

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1471 OF 2019

Naresh S/o Chandraprakash Dixit.

Age : Major, Occ : Convict,

R/o Near Pradeep Kirana Store,

Bombay Colony, Varachha Road,

Surat, State of Gujrat,

at present confined in

Central Prison Aurangabad.

... Petitioner

Vs.

1. The State of Maharashtra

Through D.I.G.

Prisons, Aurangabad.

2. The State of Maharashtra

Through Superintendent Central Prison,

Harshul, Aurangabad.

... Respondents

Advocate for Petitioner : Shri Rupesh A. Jaiswal

APP for Respondents – State : Shri D. R. Kale

**CORAM : T.V. NALAWADE &
K.K. SONAWANE, JJ.**

DATE : 24th SEPTEMBER, 2019.

ORAL JUDGMENT [PER T. V. NALAWADE] :-

1. Rule. Rule made returnable forthwith. Heard both the sides by consent for final disposal.

2. The petitioner is a prisoner and he has challenged the order

made by the respondent by which onerous conditions are imposed for getting released on furlough leave. Learned counsel for the petitioner has drawn attention of this Court to Rule 10 of the Prisons (Bombay Furlough & Parole) Rules, 1959. The said Rule shows that for granting furlough, personal bond or cash security and surety bond can be obtained by the authority. In the present matter, the authority has asked the prisoner to give cash security of Rs.10,000/-, personal bond of Rs.10,000/- and then two sureties of the amount of Rs.5,000/- each. He submits that these conditions are onerous and also not permissible as per Rule 10. There is a force in the submission. It appears that as the prisoner hails from Gujarat, such conditions are imposed. There is one more condition imposed by the respondent due to which he is required to report the concerned officer-in-charge of Varachha Police Station on every alternate day.

3. Learned counsel for the prisoner submits that if the prisoner is asked to comply these conditions, then furlough leave of 28 days will be of no use, as he will be going to police on every alternate day and he will not be in a position to avail this period in practice. There is force in this submission also.

4. This Court holds that in view of Rule 10 and to see that he is able to avail the entire leave properly, the order needs to be modified.

So, the petition is partly allowed. Order made by respondent is modified as follows :-

The prisoner / petitioner is to give cash security of Rs.10,000/- and a bond of surety of Rs.5,000/-. He is to report the aforesaid police station on every Sunday and Thursday between 9.00 a.m. to 12.00 p.m. Rest of the conditions will remain as they are.

5. The petition is partly allowed and disposed of accordingly. The order is to be complied within 10 days from today. Authenticated copy allowed.

(K.K. SONAWANE, J.)

(T.V. NALAWADE, J.)

SVH