

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1533 OF 2019

Shashikant s/o Bhaskar Kale,
Age : Major, Occu. Nil,
At present in Visapur Open Prison,
Tq. Shrigonda, Dist. Ahmednagar

PETITIONER

VERSUS

1. The State of Maharashtra
2. The Deputy Superintendent of
Open Prison, Visapur,
District Ahmednagar
3. The Deputy Inspector General
of Police (Prison),
Western Region, Yerwada,
Pune

RESPONDENTS

Smt. Sharada P. Chate, Advocate for the petitioner
Mr. R.D. Sanap, A.P.P. for the respondents/State

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

DATE : 15th OCTOBER, 2019

ORAL JUDGMENT :

Rule. Rule made returnable forthwith and
with the consent of both sides, heard for final
disposal.

2. The present Writ Petition is filed to

challenge the order dated 8th August, 2019, passed by respondent No.3 by which the petitioner has been directed to furnish surety for getting released on furlough leave.

3. The submissions made by both the sides and the record show that the petitioner is behind the bars for more than eleven years. He was released on furlough leave in October, 2012 and on completion of furlough leave, he surrendered to the prison on his own. Since then, he has never been released on furlough leave or parole. In view of this circumstance and in view of the observations made by Full Bench of this Court in the case of *Dipak Sudhakar Wakalekar V. State of Maharashtra and Ors.*, reported in *2011 CRI.L.J.3263*, this Court holds that the petitioner can be released on furlough leave on his furnishing P.R. bond of appropriate amount, as it appears, as submitted by the learned A.P.P. that an amount of Rs.2241/- is at the credit in the account of the prisoner/petitioner.

4. In the result, Criminal Writ Petition is allowed. The order dated 8th August, 2019, passed by respondent No.3 is quashed and set aside. The petitioner be released on furlough leave on his

furnishing P.R. bond of appropriate amount. Rule is made absolute in above terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

npj/criwp1533-2019