

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1534 OF 2019

Ramprasad @ Amit Bhagwan Choudhary,
Age Major, Occu. Nil, R/o. At present
Visapur open prison, Tq. Shrigonda,
Dist. Ahmednagar.

....Petitioner.

Versus

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

....Respondents.

Mrs. Shradha P. Chate, Advocate for petitioner.

Mr. R.D. Sanap, APP for respondents.

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.
DATED : 25/09/2019.**

ORAL JUDGMENT :

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) Present proceeding is filed for giving direction to the respondents to see that the petitioner is released on furlough leave on his personal bond. It appears that the authority has already made order to release him, but there is condition of giving surety. The learned counsel for petitioner submits that at present the petitioner

is not in a position to give surety. She submits that due to past conduct of petitioner, there should not be any obstacle in his release on taking personal bond. This Court has seen the reply filed for respondents in which there is description of total period undergone and the incident of past release. The record does not show that order of any penalty or deduction in remission was made against him in the past. In view of these circumstances and the decision given by this Court in the case reported as **2011 Cr.L.J. 3263 [Dipak Sudhakar Wakalekar Vs. State of Maharashtra and Ors.]** his case can be considered for his release on personal bond.

3) The learned counsel for petitioner has apprehension that the authority may refuse to release him by giving other reason that there is election of State Legislature declared in the State and he had any connection with any political party. Such circumstance cannot come in the way of authority and that will amount to discrimination. In the result, the petition is allowed. The order made by respondent directing the petitioner to give surety is hereby set aside. He is to be released after taking his personal bond. Rule is made absolute in those terms.

Authenticated copy is allowed.

[K.K. SONAWANE, J.]

[T.V. NALAWADE, J.]

ssc/