

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 1559 OF 2019

Sahdeo Wamanrao Shinde (C-58)
Age: Major, Occ: Convict,
R/o.: Open Prison Aurangabad,
Tq. Aurangabad, Dist. Aurangabad.

... PETITIONER

VERSUS

1. State of Maharashtra,
Through Secretary,
Home Department, (Prison),
Mantralaya Mumbai- 05.
2. Divisional Commissioner,
Aurangabad Division, Aurangabad.
3. Deputy Inspector General of Police (Prison),
Central Region, Aurangabad.
4. Superintendent of Jail,
Open Prison Aurangabad,
Tq. Aurangabad, Dist. Aurangabad.

... RESPONDENTS

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Ms Pratibha Suryawanshi, Adv. i/b Mr. V. P. Narwade, Adv. for Petitioner.
Mrs. V. N. Patil (Jadhav), APP for Respondents.
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CORAM : T. V. NALAWADE &
S. M. GAVHANE, JJ.

DATE : 19th November, 2019.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

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

2 The petition is filed to challenge the order made by the Respondents by which the Petitioner is directed to give personal bond of Rs.5,000/-, cash security of Rs.5,000/- and one surety of Rs.5,000/-. During arguments, the learned APP submitted that the said order came to be modified and now the Petitioner is directed to give personal bond of Rs.1,000/-, cash security of Rs.1,000/- and surety of Rs.1,000/-. The learned counsel for Petitioner submitted that the Petitioner is not having any property and he is not able to give surety or cash security.

3 The submissions made show that the Petitioner is kept in Open Prison, Aurangabad. This circumstance itself shows that there is nothing adverse against him. The record showed to this Court shows that on 28th May, 2018, the Petitioner was released on furlough leave and he turned up on his own on 26th July, 2018 on that occasion. Thus, there is nothing adverse against him. Further, there must be some amount, which he must have earned while undergoing

the imprisonment during last 7 to 8 years. That amount can be considered if the authority wants to take cash security. If that amount is not available, then the Petitioner is to be released on personal bond of Rs.5,000/-. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order made by the Respondent Authority is hereby set aside.
- III. Direction is given to release the Petitioner on furlough leave after taking the personal bond of Rs.5,000/- (Rupees Five Thousand Only).
- IV. The order is to be complied within 10 days from today.
- V. Authenticated copy is allowed to both the sides.
- VI. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]