

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

CRIMINAL WRIT PETITION NO. 1560 OF 2019

Ashok Bhaskar Patil (C-54)
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

...
Ms Pratibha Suryawanshi, Adv. i/b Mr. V. P. Narwade, Adv. for Petitioner.
Mrs. D. S. Jape, 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 present proceeding is filed for challenging 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/- for getting released on furlough leave. It appears that application was moved for modification of the order and the Petitioner had submitted that he is not able to give cash security of Rs.5,000/- and he is not able to give surety also. He requested for releasing him on taking cash security of Rs.1,000/- and personal bond.

3 The submissions made and record show that in the past on many occasions the Petitioner was released on furlough leave and every time he turned up on his own to jail in time. He is kept in Open Prison, Aurangabad and that circumstance itself shows that there is nothing adverse against him. In view of these circumstances, this Court holds that the Authority ought to have released the Petitioner on personal bond and cash security, which the Petitioner is offering. In

the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order made by the Respondents of aforesaid nature, is hereby quashed and set aside.
- III. The application of the Petitioner filed for furlough leave is allowed.
- IV. The Petitioner is to be released on giving personal bond of Rs.5,000/- (Rupees Five Thousand only) and giving cash security of Rs.1,000/- (Rupees One Thousand only).
- V. The order is to be complied within 10 days from today.
- VI. Authenticated copy is allowed to both the sides.
- VII. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]