

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

946 CRIMINAL WRIT PETITION NO.1693 OF 2019

RAJU S/O. RAMA NAIK (C-4913)
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Mr. Rupesh A. Jaiswal, Advocate for the petitioner
Mr. M. M. Nerlikar, APP for the respondent/State

**CORAM : T. V. NALAWADE &
S. M. GAVHANE, JJ.**

DATE : 22-11-2019

ORAL JUDGMENT [PER: T. V. NALAWADE, J.]

. Rule. Rule made returnable forthwith. With the consent of the parties the matter is heard finally.

2. Proceeding is filed for giving direction to respondent No. 2 to see that onerous conditions are not imposed. The order made by the respondent dated 06-09-2019 imposing condition like giving two sureties and cash security of Rs. 5,000/- are challenged. The order shows that he is directed to report two times in a day at morning and evening to the Office-in-charge, Raydurga Police Station, Dist. Ananthpuramu (State of Andhra Pradesh) and report to the Officer Incharge of the same police station of his arrival at the place and thereafter keep reporting everyday.

3. Learned counsel for the petitioner produced on record copy of order made by this court in criminal writ petition No. 1471

of 2019. In that proceeding similar conditions were imposed when the prisoner's native place was Gujrat. In the present matter native place of the prisoner is Andhra Pradesh. In that matter this court had set aside the order directing the prisoner to attend the nearest police station by observing that if such condition is imposed, prisoner will not be able to make use of furlough leave. Further, the order of giving security and surety was modified. The submissions made and the say given in this matter show that in the past petitioner was released on furlough leave and he surrendered in time. In view of the circumstances, following order is made:

ORDER

- I. Petition is partly allowed.
- II. Directions given to the petitioner to attend the aforesaid police station is hereby quashed and set aside.
- III. The petitioner is to be released on furlough leave after taking from him cash security of Rs. 5,000/-, bond of surety of Rs. 5,000/- and personal bond of similar nature.
- IV. He is to report police station mentioned in the condition on every Sunday and Thursday between 09.00 am to 12.00 hours.

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V. Other conditions shall remain as they are.

VI. This order is to be complied within fifteen days from today.

VII. Rule is made absolute in those terms.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]