

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

CRIMINAL WRIT PETITION NO. 81 OF 2020

Pandit @ Baban S/o Chimaji Bhutekar (C-5210),
Age: Major, Occ: Convict,
R/o Room No.1, Om Sai Chawl No.4,
Samtanagar, Ayregaon, Dombivali (East),
Mumbai.

At present confined in Open Prison, Paithan.

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through D.I.G. Prisons,
Aurangabad.

2. The State of Maharashtra,
Through Superintendent,
Open Prison Paithan.

... **RESPONDENTS**

...
Mr. Rupesh A. Jaiswal, Advocate for Petitioner.

Mrs. V. S. Choudhari, APP for Respondents.

...

CORAM : **T. V. NALAWADE &
M. G. SEWLIKAR, JJ.**

DATE : 24th January, 2020.

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 to challenge the order made by the Respondent dated 4th November, 2019, by which the Respondents have expressed that the surety offered by the Petitioner is not acceptable and he needs to offer other surety. It appears that the Petitioner made application on 12th July, 2019 and the order of aforesaid nature came to be passed on 4th November, 2019.

3 The submissions made show that the Petitioner has been behind bars including remission period for about 11 years now. In the past, he was released on furlough leave in the year 2017 and he turned up in time on his own. He is now kept in Open Prison, Paithan. That circumstance also needs to be kept in mind. After considering overall conduct, the prisoner is given benefit of open prison. In view of these circumstances, this Court holds that the other ground that there is adverse police report also cannot sustain in law. If the surety offered by the Petitioner is not acceptable, he can be released by accepting cash security. So, hereby direction is given to the

Respondents by allowing the petition that the Respondents should not insist for surety and the Petitioner is to be released on cash security. This is to be done within 15 days from today. Rule made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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