

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

Criminal Writ Petition No.188 of 2020

* Aquino s/o Avith Martis (C-5118),
Age Major, Occupation :Convict,
R/o 601/B, Rashmi Tenmey,
A-wing, Eden Rose Complex,
Bervali Park, Mira Road,
Thane (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.**

Shri. Rupesh A. Jaiswal, Advocate, for petitioner.
Shri. K.D. Munde, Additional Public Prosecutor, for
respondents.

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

Date: 05 FEBRUARY 2020

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

- 1) Rule. Rule made returnable forthwith. Heard
both the sides by consent for final disposal.

2) The present proceeding is filed to challenge the order made by the respondents by which furlough leave is granted but with onerous conditions.

3) The submissions made and the record show that, the petitioner is life convict and is kept in Open Prison Paithan and he has undergone 11 years of actual imprisonment. The submissions made show that in the year 2018 he was released on parole and he had turned up to jail in time. It was submitted for the petitioner that the petitioner is not in a position to give two sureties. Submission was made that if cash security is obtained the petitioner can come out of jail.

4) Considering the circumstance that the petitioner is kept in open prison and in the past he returned to jail in time this Court holds that the aforesaid conditions are onerous and by asking the petitioner to give cash security of Rs.7,000/- he can be released on furlough leave. In the result, following order.

5) The petition is allowed. The petitioner is to be released on furlough leave on depositing cash of Rs.7,000/- (Rupees Seven Thousand Only) as cash security with other usual terms and conditions. To that extent the order made by the authority is modified. The order is to be complied with within 15 days. Rule made absolute in the above terms.

Sd/-
(M.G. SEWLIKAR, J.)

Sd/-
(T.V. NALAWADE, J.)

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