

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

Criminal Writ Petition No.270 of 2020

* Rupsing s/o Kanya Barela, C-51.
Age Major, Occupation Nil,
R/o At present Harsul Open Prison,
Taluka and District Aurangabad. .. **Petitioner.**

Versus

- 1) The State of Maharashtra.
- 2) The Deputy Superintendent of
Open Prison, Harsul,
District Aurangabad.
- 3) The Deputy Inspector General,
Harsul Central Prison at
Aurangabad, Dist Aurangabad. .. **Respondents.**

Smt. Sharda P. Chate, Advocate, for petitioner.

Shri. S.B. Narwade, Additional Public Prosecutor, for
respondent Nos.1 to 3.

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

Date: 25 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 petitioner has claimed directions against the respondents to grant him furlough leave on personal bond. Relief is also claimed of quashing and setting aside the order dated 26-12-2019.

3) The order dated 26-12-2019 shows that the respondents have not taken decision on the furlough leave application as police report was not received. It is also mentioned that previous surety suggested by the prisoner by name Gulab Fattu Pawra had informed to the authorities that he was not ready to stand as surety.

4) The submissions made show that the petitioner, prisoner is kept in Open Jail Harsul. As per the scheme only when there is nothing adverse like untoward incident and the conduct, the benefit of open prison is given to the prisoners as per seniority. The submissions made show that the petitioner has been behind the bars for more than 13 years and it will be the first occasion when he will be coming out of the jail on furlough leave. All these circumstances and the purpose behind the furlough leave need to be kept in mind by the authorities at the time of

consideration of furlough leave application. In such cases if there is no surety, the prisoner can be released on personal bond and after taking cash security. Considering the period for which the petitioner has been behind the bars the amount earned by him must be with the authority and that amount can be considered by the authority. This Court expects the respondents to take decision on the furlough leave application within 7 days from today and the aforesaid observations are also required to be kept in mind while taking decision. With these observations the petition is disposed of. Rule made absolute in those terms. Authenticated copy is allowed to both.

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

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

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