

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

CRIMINAL WRIT PETITION NO. 271 OF 2020

Dinkar s/o Abbrao Gaikwad (C-7492)

Age: 41 years, Occu: Nil,

R/o At present Harsool District

Open Prison, Aurangabad.

.. **Petitioner**

Versus

1. The State of Maharashtra

2. The Deputy Superintendent of the
Open Prison Harsool at Aurangabad,
Dist. Aurangabad.

3. The Deputy Superintendent of the
Central Prison Harsool at Aurangabad,
Dist. Aurangabad.

.. **Respondents**

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Mrs. Chate Sharada P, Advocate for the Petitioner.

Mr. K.S. Patil, APP for the Respondent-State.

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

DATE : 03.03.2020

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 respondents by which the petitioner-prisoner is directed to give two sureties of Rs.15,000/- and cash security of Rs.15,000/- and also personal bond of Rs.15,000/-. The petitioner is kept in open prison. He has been behind the bars since more than seven years and this will be first time when he will be coming out of the jail on furlough leave.

3. In view of these circumstances, this Court holds that conditions put are very harsh and they are against the purpose of furlough leave. Learned counsel for the petitioner submitted that in Writ Petition No.2065 of 2019 (Dattu V/s. State and Others) decided on 27.01.2020 this Court had set aside that order and order was made to give cash security of Rs5,000/- and personal bond of Rs.5,000/- and similar conditions may be imposed on the present petitioner. This submission is acceptable. So the petition is allowed. The order made by respondents of imposing of aforesaid conditions is hereby quashed and aside. The petitioner is to be released on furnishing personal bond of Rs.5,000/- and cash security of Rs.5,000/-. The other usual conditions of furlough leave may be imposed. It is to be done within 15 days. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]