

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

CRIMINAL WRIT PETITION NO. 272 OF 2020

Krishna s/o Jagannath Shirsath (C-111)
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
District Aurangabad.
2. The Deputy Superintendent of the
Central Harsool at Aurangabad
District Aurangabad.

.. **Respondents**

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Mrs. Chate Sharada P, Advocate for the Petitioner.
Mr. R.D. Sanap, 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 give relief of direction against the respondents to release the petitioner-prisoner on furlough leave by taking personal bond from him. The submissions made and the record show that he has been behind the bars since the year 2013 and he is not released on furlough leave from that year till today. He had filed application for furlough leave in the year 2017 first time but the application was rejected as he was not able to give the surety. He had offered cash security. That decision was challenged by filing Writ Petition No. 716 of 2017. This Court had directed to reconsider the prayer. In view of the Rule 10 of the the Prisons (Bombay Furlough and Parole) Rules, 1959 and as the petitioner was kept in close prison the application was rejected and that decision was challenged by filing Writ Petition No. 1349 of 2017. The order was passed in accordance with the rules and the writ petition came to be dismissed.

3. The submissions made show that the petitioner was shifted to open prison in October-2019 and application for furlough leave was filed on 22.12.2019. The learned A.P.P. submitted that the said application is under consideration and the same will be decided as early as possible. As the petitioner is now kept in open prison, cash security can be accepted and an opportunity can be given to the petitioner to prove that he is no more danger to the society and he will return to the jail on his own. In the result, the

petition is allowed. A direction is hereby given to respondents to see that the application made by the petitioner for furlough leave in December-2019 is decided within three weeks from today. If he is not able to give surety then cash security needs to be accepted from him. The other usual conditions of furlough may be imposed. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]