

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 274 OF 2020

Raju s/o Vishwanath Jadhav C-100

Age major, occ. Nil

r/o at present Harsul open Prison

Tq. & Dist. Aurangabad.

Petitioner

Versus

1. The State of Maharashtra

2. The Deputy Superintendent
of the open prison, Harsul
Dist. Aurangabad.

3. The Deputy Inspector General
Harsul Central Prison at Aurangabad
Dist. Aurangabad.

Respondents

Mrs. S.P.Chate, Advocate for the petitioner.

Mr. M.M. Nerlikar, APP for all respondents.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 24th February, 2020.

JUDGMENT : (PER T. V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith.

2. By consent, heard both the sides for final disposal.

3. Present proceeding is filed for grant of relief of quashing and setting aside the order dated 09.09.2019 passed by respondent No. 3 thereby rejecting the application filed by petitioner seeking release on furlough leave. The reason given for rejection of the application is adverse police report. Adverse police report is on the basis of the statement made by the surety whose name is given by the petitioner-prisoner. The surety who is a lady submitted that she had not consented to the petitioner to stand as surety. She does not know the petitioner.

4. Submissions made show that petitioner has been behind bar since more than seven years and this is the first occasion when he will be coming out of the jail on furlough leave. This Court holds that aforesaid grounds are not tenable. If the surety is not ready to stand as surety, respondents should have directed the prisoner to give another surety. So, the order under challenge is quashed and set aside.

5. Petitioner be released after taking other surety. If the surety is not available, the petitioner be released on getting personal bond and cash security of the same amount as he is now kept in

open jail. Decision be taken within 15 days from today. Rule made absolute in above terms.

6. Authenticated copy of the order be provided to the parties.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb