

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 334 OF 2020

Tukaram s/o Datarao Sontakke
age 41 years, occ. 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.
3. The Deputy Superintendent
of the Central Prison Harsool
Aurangabad Dist. Aurangabad.

Respondents

Mrs. S.P. Chate, Advocate for the petitioner.
Mr. R.D. Sanap, APP for all respondents.

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

DATE : 12th March, 2020.

ORAL 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 to challenge the order passed by the respondent on 31.01.2020 by which, the furlough application of petitioner came to be rejected. Submissions made show that when the order was passed, the petitioner was in close prison and now he is in open jail.

4. Learned counsel for petitioner has produced on record copy of the decision of this Court in Criminal Writ Petition no. 2065/2019 (Dattu Vs. State of Maharashtra & others). By order dated 27.01.2020, this Court, in similar circumstances, allowed the proceeding and direction was given to see that the prisoner is released on furlough leave on giving personal bond of Rs. 5,000/- and cash security of Rs. 5,000/-.

5. In this view of the matter, this Court holds that similar order needs to be passed in the present petition. Hence the following order :-

ORDER

1. Petition is allowed.

2. Order passed by respondent is quashed and set aside.

3. Application filed for furlough leave is allowed.

4. Petitioner is allowed to be released on his furnishing personal bond of Rs. 5,000/- and cash security of Rs. 5,000/-.

5. Usual conditions of furlough leave also be imposed.

6. Petitioner be released within fifteen days from today.

7. Rule made absolute in those terms.

8. Authenticate copy to both the sides.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb