

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 599 OF 2020

Fatru Khan s/o Farooq Khan

Petitioner

Versus

1. The State of Maharashtra
Through D.I.G.
Prisons, Aurangabad.
2. The State of Maharashtra
Through Superintendent
Harshul Prison, Aurangabad

Respondents

Mr. Rupesh Jaiswal, Advocate for the Petitioner.
Mr. K.S. Patil, APP for both respondents.

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

DATE : 13th July, 2020.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. By consent, heard both sides for final disposal.
3. The submission made shows that Writ Petition No. 59/2020 which was filed by father of the petitioner was allowed by this Court on 31.01.2020 and direction was given to consider the

application filed for furlough. It appears that the respondents considered the application and made order of grant of furlough leave but some conditions are imposed which, according to the petitioner, are onerous and which cannot be complied by him. Respondents have directed to give cash security of Rs. 20,000/-, two sureties of Rs. 20,000/- and personal bond of Rs. 20,000/-. it is the contention of petitioner that it is not possible for him, atleast in present situation, to collect two sureties of Rs. 20,000/- due to which, even after the order is made by the authority, he could not come out of the jail on furlough.

4. Once the authority forms opinion that furlough leave needs to be granted, the conditions for grant of furlough leave should not be onerous that those cannot be complied by the prisoner and he may not get the benefit of furlough leave. This Court holds that the order needs to be modified. Hence the following order :-

ORDER

- i) Petition is allowed.
- ii) Father of the petitioner be released on furlough leave on his

furnishing cash security of Rs. 20,000/- and Personal Bond of Rs. 20,000/-.

- iii) Other routine conditions may be imposed.
- iv) This order is to be complied within ten days from today.

5. Rule made absolute in above terms.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb