

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

CRIMINAL WRIT PETITION NO. 2065 OF 2019

Dattu s/o Yewhan Sathe, C-9687
Age 41 years, Occ: Nil,
At present Harsool District Open
Prison, Aurangabad.

... **Petitioner**

Versus

1. The State of Maharashtra
2. The Deputy Superintendant
of the Open Prison Harsool at
Aurangabad, Dist. Aurangabad.
3. The Deputy Superintendant
of the Central Prison Harsool at
Aurangabad, Dist. Aurangabad.

... **Respondents**

...
Mrs. Sharda P. Chate, Advocate for the Petitioner.
Mr. K.S. Patil, A.P.P. for the Respondent-State.

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 27.01.2020

ORAL JUDGMENT :-

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 respondent by which the petitioner-prisoner is directed to give cash security of Rs.10,000/-, personal bond of Rs.10,000/- and surety of Rs.10,000/- for coming out of jail on furlough leave. The submissions made and the record supplied by learned APP show that the he has been behind the bars for about eight years. Due to his conduct and as per the entitlement now he is kept in Open Jail Harsul. The submissions made and the record show that he had applied for parole in January-2018 and he was released on parole and he turned up in time on that occasion. One officer of the jail is present in the Court hall and on his information the learned A.P.P. submits that when parole was granted surety was taken from the present petitioner.

3. In view of the aforesaid circumstances, this Court holds that imposing aforesaid two conditions at the same time would be hazardous. In view of the conduct of the prisoner of the past this Court holds that asking him to give cash security of Rs.5,000/- and asking him to execute personal bond of Rs.5,000/- would be just and sufficient for releasing him on furlough leave. It appears that in the year 2018-2019 he had applied for furlough leave but it was not granted to him and this will be the first time he will be coming out of jail on furlough leave. In the result, the petition is allowed. The order made by the respondent authority of asking him to give surety of Rs.10,000/-

and cash security of Rs.10,000/- is hereby quashed and set aside and the order is modified to make it as cash security of Rs.5,000/- and personal bond of Rs.5,000/-. There would be other usual conditions of furlough leave. Rule made absolute in those terms. The petitioner-prisoner is to be released within fifteen days from today. Authenticate copy to both the sides.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]