

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CRIMINAL WRIT PETITION NO.1163 OF 2021

RAJU @ LAHU SHAMRAO RATHOD (C-9148)
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Petitioner : Mr. Through Jail
APP for Respondent-State: Mr. M.M. Nerlikar
.....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.
DATED : 12th OCTOBER, 2021**

PER COURT:-

1 The petitioner convict, by way of this communication informed that though he has been released on Covid emergency parole, however, he is not in a financial sound position to fulfill the condition of depositing Rs.10,000/- as a cash security.

2. We have carefully gone through the provisions of Rule 24A of The Prisons (Bombay Furlough and Parole) Rules, 1959. It appears that the discretion lies with the competent authority to approve parole to a prisoner subject to his executing a surety bond in Form A, a personal bond in Form B and the prisoner depositing a refundable deposit as decided by the Superintendent of the respective prison.

3. In Rule 24A though a reference about depositing the refundable deposit is there, however, it is left with the discretion of the Superintendent of Prison to specify the said amount. In the

instant case, the petitioner convict is in jail since 2017 initially as under trial prisoner and after his conviction in the year 2019 as convict. Thus, considering the financial constrains, it would be just and appropriate if the amount of cash security is reduced from Rs.10,000/- to Rs.1,000/-. We accordingly proceed to pass the following order:-

O R D E R

- I. Writ petition is hereby partly allowed.
- II. The impugned order dated 4.8.2021 is hereby modified to the extent that the petitioner shall deposit cash security to the extent of Rs.1,000/- instead of Rs.10,000/-.
- III. Remaining conditions will remain as it is.
- IV. Writ petition is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

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