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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1771 OF 2021

Noor Mohammed Sayed Mohd. PathanPetitioner

V/s.

The State of MaharashtraRespondent

Mr. Hitesh P. Shah for the Petitioner
Mr. K. V. Saste APP for the State

**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE: 6th MAY, 2021.

P.C.:

1] By this petition, petitioner has challenged the order dated 19/08/2020 passed by respondent-authority whereby a specific condition is sought to be imposed upon the petitioner in respect of furnishing surety for grant of furlough leave. According to petitioner, insistence upon such condition is unreasonable and that therefore, impugned order deserves to be set aside and application for furlough leave filed by the petitioner since more than two years, deserves to be allowed.

2] Learned APP on instructions submits that earlier, petitioner was in Ratnagiri jail and now he has been transferred to Yerawada Prison, Pune. In these circumstances, it is submitted that if a fresh application is moved by the petitioner for grant of furlough leave, concerned authority shall decide the said application expeditiously, without insisting upon the condition specified in the impugned order.

3] In view of above, the writ petition is partly allowed. The petitioner is granted liberty to move fresh application before the appropriate authority for grant of furlough leave within period of one week from today. Concerned jail authority at Pune shall consider such fresh application on its own merits without insisting on the condition mentioned in the impugned order. Said application shall be decided by the concerned jail authority within period of two weeks from the receipt of such fresh application from the petitioner.

4] The writ petition stands disposed of with above directions.

[MANISH PITALE, J.]

[S. S. SHINDE, J.]