

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 809 OF 2021

(Subham s/o Suresh Tekam Vs. Deputy Inspector General of Prison (East Region), Nagpur & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.D. Chande and Ms. P.M. Mane, Advocates for
the petitioner.

Mrs. N.R. Tripathi, A.P.P. for the respondents.

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**CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
NOVEMBER 16, 2021.**

Heard Mr. Chande and Ms. Mane,
learned counsel for the petitioner and Mrs. Tripathi,
learned A.P.P. for the respondents.

2] By this petition, the petitioner seeks
modification in the condition imposed on the
petitioner for availing Furlough. The impugned order
dated 17/09/2021 has required the petitioner to
furnish a bond of Rs.50,000/- as well as surety in the
like amount. There is also a direction to provide a
cash surety of Rs.50,000/-.

3] Ms. Mane, learned counsel for the
petitioner submits that the surety amount is quite
excessive and having regard to the circumstance that
the petitioner will not be able to afford the same, it is

only proper that the surety amount is reduced to Rs.5,000/-.

4] According to us, Ms. Mane's submission deserves acception in the facts and circumstances of the case. Though, sureties are required to be insisted upon, the authorities should take into account all factors including the financial capacity of the prisoner.

5] In the facts of the present cast, therefore, a case has been made out for modification as prayed for.

6] Accordingly, we allow this petition and modify the conditions in the impugned order. The petitioner will now have to give a bond in an amount of Rs.25,000/- and provide a cash surety of Rs.5,000/-. There shall be no order for costs.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

Sumit