

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 CRIMINAL WRIT PETITION NO.270 OF 2022

IBRAHIM SUBHAN SAYYED @ BATLA C-5086
VERSUS
THE ADDL.DIRECTOR GENERAL OF POLICE AND INSPECTOR
GENERAL OF PRISONS AND CORRECTIONAL SERVICES PUNE

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Advocate for Petitioner : Mr. Chate Sharada P.
APP for Respondent-State: Mrs. P.V. Diggikar
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 12th APRIL, 2022**

PER COURT:-

1. By consent of the parties, heard finally at admission stage.
2. By order dated 5.4.2022, on the basis of the statement made by learned counsel for the petitioner we have recorded that the sister of the petitioner namely Salma Banu is ready to execute surety bond for release of the petitioner on furlough. It is also recorded that there is no dispute in respect of any property in Karnataka State and as such, the petitioner can be released on furlough.
3. Learned A.P.P. submits that the report is received from the Superintendent of Police, Chikkamagaluru District, Karnataka State. In the said report, it is stated that sister of the present petitioner Smt. Salma Banu w/o Imran Khan, aged 30 years R/o. behind Nyamath Hotel, Bandi Mutt Road, Chikkamagaluru Town has agreed to take surety and there is no property dispute since she is not in possession of

any immovable property.

4. In view of the above, we are inclined to quash and set aside the impugned order and further remand the matter to the authorities to decide the application of the petitioner seeking furlough leave afresh on the basis of observation made in the foregoing para. Learned A.P.P. on instructions submits that the decision will be taken on the application of the petitioner afresh within 15 days from the date of receipt of copy of this order. Hence, we proceed to pass the following order:-

O R D E R

- I. Criminal writ petition is hereby partly allowed.
- II. The impugned order dated 25.12.2021 passed by respondent No.2 the Deputy Inspector General (Prisons) Central Region, Aurangabad is hereby quashed and set aside.
- III. The matter is remanded to the authority to decide it afresh in the light of the report submitted by the Superintendent of Police, Chikkamagaluru District, Karnataka State dated 04.04.2022, within a period of 15 days from the date of receipt of copy of this order, as assured.
- IV. Criminal writ petition is accordingly disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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