

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

CRIMINAL WRIT PETITION NO.891 OF 2022

SUVARNA W/O. DEEPAK BHADALE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Ms. Bharati B. Gunjal, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, APP for Respondents-State.
...

**CORAM : SARANG V. KOTWAL
AND
BHARAT P. DESHPANDE, JJ.**

DATED : 11th JULY, 2022.

PER COURT:-

1. This petition is filed by the petitioner challenging the orders passed by the Authorities rejecting her prayer for furlough leave. The first order is passed on 16.11.2021 by the Deputy Inspector General of Prison, Central Zone, Aurangabad. The reason given in the order was that, the police had given adverse police report and the sureties were not in a position to control the petitioner and that there was danger to the complainant and witnesses. That was the first occasion when the petitioner had made an application for furlough leave after conviction. This order was challenged before the Appellate Authority i.e. the Additional D.G.P./ Inspector General of Prison and Correctional Services

Maharashtra Sate, Pune. That appeal was dismissed by order dated 11.05.2022 on the same ground. The other ground of rejection was that, the proposed sureties were not permanent residents of the place where the petitioner proposed to stay on her release. There was no reasonable ground to believe that, the sureties would be in a position to know about her whereabouts and therefore, there was possibility of the petitioner absconding.

2. Learned counsel for the petitioner submitted that, the petitioner is willing to give different sureties to take care of this apprehension. In view of these submissions, the following order is passed:

ORDER

- a. The petitioner is at liberty to make fresh application before the Deputy Inspector General of Prison, Central Zone, Aurangabad giving names of sureties who could be in constant touch with the petitioner, when she is released on furlough leave.
- b. If the names of such sureties are mentioned in the application and if such sureties are acceptable to the police authorities, then her application for furlough leave shall be considered from that angle. The authorities shall also bear in mind that, the facility of furlough leave cannot be denied to the petitioner indefinitely.

3. With these observations, writ petition is disposed of.

(BHARAT P. DESHPANDE)
JUDGE

(SARANG V. KOTWAL)
JUDGE

Devendra/July-2022