

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 CRIMINAL WRIT PETITION NO.1305 OF 2022

BHASKAR KESHAV KUMBHARE (C-4846)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Jaiswal Rupesh A.
APP for the respondent – State : Mr. S.J. Salgare
...

**CORAM : MANGESH S. PATIL &
SANDIPKUMAR C. MORE, JJ.**

DATE : 14 OCTOBER 2022

PC :

Heard.

2. The petitioner is aggrieved by one of the conditions subject to which he has been granted furlough leave by the order dated 30-08-2022. The condition being to furnish cash security and surety in the sum of Rs.25,000/-, each.

3. The issue is no more *res integra*. It has been held by the Full Bench of this Court in the case of *Dipak Sudhakar Wakalekar Vs. State of Maharashtra and Others; 2011 ALL MR (Cri.) 1933* that a prisoner confined in the open prison can be released on furlough by the sanctioning authority by dispensing with the requirement of execution

of the bond in view of Rule 6 of Prisons (Bombay Furlough and Parole) Rules, 1959.

4. In spite of such emphatic decision of this Court, we wonder as to how in the impugned order, a condition as onerous as indicated herein-above could have been imposed.

5. Interestingly on a previous occasion, by order dated 25-03-2022 he was released merely on furnishing a cash security of Rs.2000/- and a personal recognizance, still, this time an onerous condition has been imposed. It is not sustainable in law.

6. We quash and set aside the condition no. 1 from the order dated 30-08-2022 and replace it by following condition :-

“Furnishing cash security of Rs. 2000/- and personal recognizance for an amount of Rs.5000/-.”

We confirm the rest of the order.

7. Writ petition is disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/