

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

CRIMINAL WRIT PETITION 632 OF 2022

(Ramesh Pandurangji Wankhede..vs.. State, thr Superintendent, Central Jail,
Amravati and another)

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

Court's or Judge's orders.

Mrs. S.P. Giratkar, counsel (appointed) for petitioner.
Mr. M.J. Khan, APP for respondents 1&2 /State.

CORAM: ROHIT B. DEO AND URMILA JOSHI-PHALKE, JJ.

DATE: 17.11.2022

By this petition, the petitioner has challenged the impugned order dated 27.9.2021, passed by respondent 2 – Deputy Inspector General of Police, East Division, Nagpur imposing the condition of two sureties on two separate securities of Rs. 25,000/- and to give undertaking on 100 rupees stamp and directed to execute the Personal Bond of Rs. 50,000/- and cash security of Rs. 50,000/-.

2. The petitioner is undergoing the sentence for the offence punishable under section 302 of Indian Penal Code. The petitioner has completed 17 years of imprisonment. The petitioner has made representation to the respondent 1 for grant of 23 days furlough leave. The respondent 2 has called the police Investigation Report and passed the order for grant of furlough

by imposing the above conditions.

3. It is submitted by learned counsel for the petitioner Mr. S.P. Giratkar that the petitioner is on the verge of completing the term of sentence. He is also working as a Warden in the jail and that work is allotted to him considering his good conduct. The learned counsel has submitted that the conditions imposed on the petitioner are harsh and he is unable to comply with the same and therefore, the learned counsel has prayed for quashing and setting aside the said conditions.

4. The petition is strongly opposed by the State. The State has no objection to allow application by modifying the condition.

5. The petitioner has completed 17 years and is on the verge of completion of his sentence. It is admitted that the petitioner is working as Warden and that work is allotted to him considering his conduct. There is no apprehension that after granting furlough without condition, he would absent or misuse the said condition of furlough. Considering the same, the application deserves to be allowed by quashing and setting aside the impugned order dated 27.9.2021. Hence, we proceed to pass following order:

(i) The impugned order dated 27.9.2021 passed by respondent 2 - Deputy Inspector General of Police, East Division, Nagpur imposing the condition of two sureties on two separate securities of Rs. 25,000/- and to give undertaking on 100 rupees stamp and to execute Personal Bond of Rs. 50,000/- and cash security of Rs. 50,000/- is hereby quashed and set aside.

(ii) This order shall not be treated as precedent.

(iii) The fees of the learned appointed counsel Mrs. S.P. Giratkar be quantified and paid as per rules.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

Belkhede