

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

CRIMINAL WRIT PETITION NO. 595/2022

Sushil s/o Rambharose Bahuriya .vs. State of Maharashtra through D.I.G.
Prison (East), Nagpur and anr.

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

Court's or Judge's orders

Mr. A. Y. Sharma, Advocate for petitioner.
Mrs. N. R. Tripathi, A.P.P. for respondents.

CORAM : ROHIT B.DEO & ANIL L. PANSARE, JJ.
DATE : 30.09.2022

Heard Mr. Sharma learned counsel for 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 has required the petitioner to furnish bail 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.1,00,000/-.

3. Mr. Sharma, 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 will be appropriate to reduce the cash surety to

Rs.10,000/-. He further submits that the bail bond be reduced to Rs.40,000/- with two sureties in the like amount.

4. According to us, Mr. Sharma's submission deserves acceptance 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 case, therefore, a case has been made out for modification as prayed for.

6. The cash surety is reduced from Rs.1,00,000/- to Rs.10,000/-. The petitioner shall also furnish two sureties in the sum of Rs.20,000/- each. The impugned order is modified accordingly. The petition is allowed in the aforesaid terms. There shall be no order for costs

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)

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