



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1783 OF 2023

Popat Bajirao Kotwal

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mrs. S.P. Chate, Advocate for petitioner
Mrs. R.R. Tandale, A.P.P. for respondents
....

CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 12th DECEMBER, 2023

PER COURT :

1. Heard.
2. The petitioner's application for furlough leave has been turned down only on the ground of there is nobody to stand surety for his return to prison. The one, who was ready to stand as surety for the petitioner, has refused due to his personal problem.
3. Learned A.P.P. has strong reservation to allow the petition. According to her, police report indicates that there is no one to stand surety for the petitioner. He further submits that furlough is not a right of a prisoner.

4. The petitioner has been kept in open prison on account of his good behavior. He did not have any criminal antecedents. There is no material on record to show that he had breached any of the prison's rule or regulations. Also no criminal case is pending against him. Since the petitioner is in open prison, he can be released on his own bond.

5. In view of above, we grant the petitioner furlough leave of twenty-one days. The authority shall not ask the petitioner for execution of surety bond. The authority may, however impose usual terms and conditions for release of the petitioner on furlough.

6. Criminal writ petition stands disposed of.

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)