

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

CRIMINAL WRIT PETITION NO.206/2023

Deepak Suresh Shende (C-5850)

Aged about 40 years, Occ. NA

r/o Drudhamna, Athwa Mail,

Wadi, Taq.& Distt. Nagpur.

... Petitioner

- Versus -

1. Deputy Inspector General Prison
(East Region), Nagpur.

2. Superintendent of Jail,
Central Prison, Amravati.

... Respondents

Ms. Ratna Singh, Advocate for the Petitioner.

Ms.N.R.Tripathi, APP for respondents.

CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE, JJ.

DATE : 23.03.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.)

1. Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner has been released on furlough leave of 28 days by respondent no.1 – Deputy Inspector General Prison (East Region), Nagpur, vide its order dated 2.1.2023. While passing the order, the Authority has directed the petitioner to furnish a bond of Rs. 50,000/- as well as cash surety of like amount.

3. The learned counsel for the petitioner would submit that on earlier occasion also the petitioner was similarly directed to deposit cash of Rs.25,000/- which was subject matter of challenge in Criminal Writ Petition No.808/2021 (Deepak @ Kilchi s/o Suresh Shende, Nagpur Vs. Deputy Inspector Genral of Prison & Anr.). In said petition, this Court has reduced the amount of cash surety to the extent of Rs. 5000/- vide order dated 16.11.2021.

4. We repeat that the Authority shall keep in mind the financial constrains of the convict while imposing heavy cash

surety. Excessive amount would deprive the petitioner from exercising right to avail furlough leave which was allowed on merits. Moreover, the Authority has directed to furnish two sureties to the extent of Rs. 25,000/- each, out of them one should be relative and other non-relative. We find no justification in directing to provide surety of such particular category.

5. In the facts and circumstances of the case, modification is needed. The amount of cash surety is reduced from Rs. 50,000/- to Rs. 5000/-. The condition of surety is modified to the extent that the petition may provide any kind of two sureties to the extent as ordered.

6. The petition is allowed and disposed of accordingly.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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