

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

CRIMINAL WRIT PETITION NO. 226 OF 2023

Sachin Laxmanrao Shindurkar

Vs.

The Deputy Inspector General of Prisons, Easter Division, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

None for petitioner.

Mrs. Nandita Tripathi, APP for respondent/State.

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

DATE : 27.04.2023.

None present for the petitioner.

2. However, considering the small issue involved in writ petition, by consent of learned APP, we have taken it for final disposal. The petitioner was serving a sentence of imprisonment for life, for the offence punishable under Section 302 of the Indian Penal Code. The petitioner has applied for furlough leave which the respondent No.1 has granted, however, with a rider that along with surety bound, he shall also deposit cash security to the tune of Rs.25,000/-. The petitioner has filed an

application dated 14.11.2022 to this Court expressing his inability to deposit a some of Rs.25,000/- due to financial constraints.

3. This is not an isolated occasion as earlier also similar types of orders are passed without having regard to the financial condition of the convict. Imposing a condition for depositing huge sum is onerous and definitely, it amounts to denial of his right to avail furlough leave. Having regard to above facts, we deem it appropriate to modify the order, so that it would give some meaning to the purpose for which furlough leave are being granted.

4. In view of above, the petition is allowed. We hereby modify the impugned order dated 02.09.2022 to the extent of reducing cash surety amount from Rs.25,000/- to Rs.5,000/-. The rest of the conditions shall remain same, as it stands.

5. Petition is hereby disposed.

JUDGE

JUDGE