

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

CRIMINAL WRIT PETITION NO.458 OF 2023

PETITIONER : Mukesh Poonamchand Patel (C-4864)
 Aged about 40 years, Occ.:NA, R/o
 Bagmer, Near Ram Mandir, Tah.
 Pandhana, Distt. Khandwa. (M.P.)

..VERSUS..

RESPONDENTS : 1 Deputy Inspector General Prison (East
 Region), Nagpur.
 2 Superintendent of jail, Central Prison,
 Amravati.

 Ms R. A. Singh, Advocate for Petitioner.
 Ms N. Tripathi, APP for Respondents.

CORAM : **VINAY JOSHI AND VALMIKI SA MENEZES, JJ.**

DATE : **17th JULY, 2023.**

ORAL JUDGMENT : **(PER : VINAY JOSHI, J.)**

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

Heard finally be consent of learned Counsel for the parties.

2. The petitioner has been released on furlough leave
 for 28 days by respondent No.1 – Deputy Inspector General
 Prison (East Region), Nagpur, *vide* its order dated
 07.06.2023. While passing the order, the Authority has

directed the petitioner to furnish surety bond of Rs.50,000/- as well as cash surety of like amount.

3. The learned Counsel for petitioner would submit that the petitioner is financially incapable to meet such onerous condition of depositing huge sum of Rs.50,000/-. According to petitioner, imposition of such a condition amounts to denial of his right to avail furlough leave. Moreover, it is pointed out that earlier petitioner's furlough leave was rejected on the ground that some offences were registered against the surety. The said order was challenged in Criminal Writ Petition No.125 of 2023, which was allowed by this Court, and now on similar line, the Authority is bent upon to detain the petitioner for one or other reason.

4. We repeat that the Authority shall keep in mind the financial constraints 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.50,000/-

(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.5,000/-. The solvent surety amount is also reduced from Rs.50,000/- to Rs.25,000/-. The condition of surety is modified to the extent that the petitioner may provide any kind of two sureties to the extent as ordered.

6. The petition is allowed and disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)