



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

CRIMINAL WRIT PETITION NO. 751/2023.

Laxman Pandurang Pawar,
Convict No.C-5555, Age 40 years,
Presently at District Prison Amravati,
District Amravati.

... **PETITIONER.**

-VERSUS-

1.Deputy Inspector General (Prisons)
East Division, Nagpur,
Wardha Road, Nagpur.

2.The Superintendent of Jail,
District Prison, Amravati
District Amravati.

... **RESPONDENTS.**

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Shri J.S. Chilotra, Advocate (Appointed) for the Petitioner.
Ms N. Tripathi, A.P.P. for Respondents.
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CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : OCTOBER 11, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J) :

Heard.

Rule. Rule is made returnable forthwith and by consent of the

learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. The petitioner, a prisoner, has challenged the order dated 30.01.2023 passed by the respondent no.1 by which onerous conditions are imposed for release on furlough leave. The learned Counsel appearing for the petitioner has drawn out attention to Rule 10 of the Prisons (Bombay Furlough and Parole) Rules, 1959. The said Rule shows that for granting furlough, personal bond or cash security and surety bond can be obtained by the Authority.

3. In the present matter, the Authority has asked the petitioner/prisoner to give cash security of Rs.25,000/-, personal bond of Rs.25,000/- and one surety in the like amount. The learned Counsel for the petitioner submits that these conditions are onerous and also not permissible as per Rule 10. We find substance in the said submission. There is one more condition imposed by the respondent due to which the petitioner is required to report to the concerned police station on every day.

4. The learned Counsel for the petitioner submits that if the petitioner is asked to comply with these conditions, then furlough leave

of 28 days will be of no use, as he will be required to attend the police every day and he will not be in a position to avail this period in practice. There is force in the submission made by the learned Counsel.

5. This Court holds that in view of Rule 10 of the 1959 Rules, and to see that the petitioner is in a position to avail the entire furlough leave properly, the order impugned needs to be modified. Hence, Writ Petition is partly allowed, by modifying the order impugned as under :

“The petitioner / prisoner to furnish cash security in the sum of Rs.5,000/- and a bond of surety of Rs.5000/-. He is directed to report to the concerned police station on every Sunday and Thursday between 9 a.m. to 12 p.m.

Rest of the conditions will remain as they stand.”

6. This order is to be complied within a period of 10 days from today.

7. Fees of the appointed Counsel be determined and paid as per Rules.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)