



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 113 OF 2024

**SANTOSH DATTU PAWAR
VERSUS
THE DEPUTY INSPECTOR GENERAL OF PRISON AND ANOTHER**

...

Advocate for Petitioner : Mrs. Chate Sharada Pundlik
APP for Respondents/State : Mr. V.K. Kotecha

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 16 JANUARY 2024

PER COURT :

1. Heard both the sides finally.

2. The petitioner's application for furlough leave has been allowed, however subject to furnishing a surety from amongst the relatives.

3. A full bench of this Court in the matter of Dipak Sudhakar Wakalekar Vs. State of Maharashtra in Criminal Writ Petition No.848/2010, had considered this aspect. Considering the provisions of the Prisons Act, it has been laid down that in respect of the prisoners who are confined to open prison in tune with the Maharashtra Open Prisons Rules, 1971, they are entitled to be released on furlough or parole leave without insisting for furnishing any surety.

4. The impugned order being incompatible with the direction of the

full bench, is illegal and is liable to be quashed and set aside to the extent it directs furnishing of the surety.

5. The writ petition is allowed. The impugned order to the extent it directs furnishing of the surety is quashed and set aside.

6. The respondents shall release the petitioner on furlough leave, however shall not insist him for furnishing surety. He shall be released within two weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb