



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

CRIMINAL WRIT PETITION NO. 492 OF 2024

Subhash Rambali Yadav .. Petitioner

Versus

The Additional Director General of
Police and Inspector and others .. Respondents

Ms. Sharada P. Chate, Advocate for the Petitioner.
Shri M. M. Nerlikar, Addl.P.P. for the Respondents/State.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 26 MARCH 2024.**

FINAL ORDER :

. The petitioner who has been granted furlough leave, however, subject to furnishing of surety is before us questioning the legality and propriety of the order.

2. Since the petitioner is confined to open prison under the Open Prisons Rules, by virtue of proviso to Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959 as interpreted by the Full Bench of this Court in the matter of Deepak Sudhakar Wakalekar Vs. The State of Maharashtra and others, 2011 CR. 3263L. J., it is imperative that the authorities consider the petitioner's request by assigning specific reasons why he is not entitled to derive the benefit of the proviso. It would not be appropriate to reject his request out rightly without assigning

any reasons.

3. We allow the criminal writ petition partly. The order of the respondent No. 2 dated 17.03.2023 is quashed and set aside. The matter is relegated to the respondent No. 2 who shall pass fresh order by considering the request of the petitioner to get a furlough leave without furnishing surety, in the light of proviso to Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959 as interpreted by the Full Bench of this Court in the matter of Deepak Sudhakar Wakalekar Vs. The State of Maharashtra and others. Needless to state that if the discretion is not exercised in favour of the petitioner, the respondent No. 2 shall assign specific reasons therefor.

4. The decision shall be taken as expeditiously as possible and in any case within a period of two (02) weeks from today.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/March24