



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

CRIMINAL WRIT PETITION NO. 637 OF 2024

Shahaji Shahattar Kale .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Mrs. Bharti B. Gunjal, Advocate for the Petitioner.
Shri G. A. Kulkarni, A.P.P. for the Respondents/State.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 APRIL 2024.**

FINAL ORDER :

. Heard both the sides. The petitioner is aggrieved by the fact that inspite of having granted furlough leave for a period of 21 days, the respondent No. 3 is not accepting the surety and the cash security being furnished by him.

2. Learned advocate for the petitioner submits that though the petitioner was also granted parole and which was subsequently cancelled only few days before its expiry for the alleged offence committed by him of threatening the witnesses from the crime in which he was convicted, the furlough leave has never been cancelled and the authorities could not have refused to accept the surety.

3. When the matter was heard by us on 01 April 2024, it was submitted by the learned Additional Public Prosecutor that steps

were being taken even for cancellation of furlough and considering the fact that the order granting furlough leave would expire by efflux of time at the end of four months that is by 05 April 2024, to enable the authorities to take appropriate decision the matter was kept today. However, as has been informed by the learned A. P. P. no decision for cancellation of furlough leave has been taken.

4. In the circumstances, while the furlough leave is still in operation, the respondent No. 3 is under obligation to accept the surety being furnished pursuant to the condition imposed while granting furlough.

5. However, taking into account the fact that petitioner has misused parole and has allegedly threatened the witnesses for which reason the parole leave has been cancelled prematurely, it would be appropriate that certain additional conditions are imposed.

6. We dispose of the criminal writ petition by directing the respondent No. 3 to accept the surety being furnished by the petitioner pursuant to the furlough leave order. However, during the period of furlough leave the petitioner shall not enter Beed district and shall not make any attempt to contact the witnesses.

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

bsb/April 24