



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 706 OF 2024

ASHOK AAPPA PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Chate Sharada Pundlik
APP for Respondents: Ms. R.R. Tandale
...

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

DATE : 15.04.2024

PER COURT:

Heard both the sides.

2. The petitioner has been granted furlough leave by the order dated 04.04.2024. However, according to the petitioner, in spite of passing of the order he is not being allowed to furnish surety and is not being released on furlough leave.

3. The prosecutor points out Rule 4(19) of the Prisons (Bombay Furlough and Parole) Rules, 1959, which contains a ground on which furlough leave can be refused, if release on leave is like to have repercussion during the period of code of conduct *inter alia* of parliamentary elections. However, admittedly, no such order has been passed or the matter has been considered from that angle. In fact, no

order has been passed much less to ascertain the reasons for not following the order granting furlough leave to petitioner dated 04.04.2024.

4. We dispose of the writ petition by directing the respondent No.3 to allow the petitioner to furnish the surety pursuant to the order of furlough leave dated 04.04.2024 and shall release him within a period of one week.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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