



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CRIMINAL WRIT PETITION NO. 760 OF 2024

MANISH NARESH THAKUR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mrs. Chate Sharada Pundlik

APP for Respondent : Mrs. V. N. Patil-Jadhav

...

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

DATE : 23.04.2024

PER COURT :

Heard both the sides finally.

2. The petitioner has been granted furlough leave by the order dated 06.02.2024. 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 assigning the reasons for not following the order granting furlough leave to

petitioner dated 06.02.2024.

4. We dispose of the writ petition by directing the respondent No.2 to allow the petitioner to furnish the surety pursuant to the order of furlough leave dated 06.02.2024 and shall release him within a period of one week.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-