



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL WRIT PETITION NO. 1240 OF 2024

Dinkar Uttam Gharte (c-5546)

VERSUS

The Inspector General Of Prisons Pune

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Mr. Rupesh A. Jaiswal - Advocate for the Petitioner

Mr. V. K. Kotecha - APP for Respondents

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CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.

DATED : 26TH JULY, 2024

PER COURT : -

1. The Petitioner has prayed for the following reliefs:
 - A] This Criminal Writ Petition may kindly be allowed.
 - B] To quash and set aside order of Respondent No. 1 dated 28.06.2024 and thereby direct Respondent No. 2 to release Petitioner on furlough leave for 28 days on Personal Release Bond and or,
 - C] To grant any other equitable and suitable relief which this Hon'ble Court deems fit, by allowing the petition, and, or.
2. Learned advocate for the Petitioner submits that, the concerned authority has granted the application of the Petitioner for grant of furlough subject to his furnishing personal bond in the sum of Rs.5,000/- and surety bond by one surety in the sum of Rs.5000/-. He submits that, in view of the Judgment delivered by the Full Bench of this

Court in the case of Dipak s/o Sudhakar Wakalekar Vs. State of Maharashtra & Ors., 2011 ALL MR (Cri) 1933, the Petitioner is entitled for the said leave without submitting surety, since the Petitioner is in open prison.

3. Learned APP opposes the Application, however, he does not dispute the said legal position laid down in the judgment relied upon by the learned advocate for the Petitioner.

4. The issue involved in the said case has been answered by the Full Bench Judgment (cited supra) as follows : -

“23. In the light of the discussion made above, we hold that as per the proviso to rule 6 of the Rules 1959 a convict confined in open prison can be released on furlough by the sanctioning authority by dispensing with the requirement of execution of bond by the relatives.”

5. In view of above, we allow the petition in terms of prayer clause ‘B’ thereof.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde