IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.741 OF 2024

Bilal Sayyed Mustafa Sayyed (In Jail)
..vs..
Deputy Inspector General of Prison, Nagpur and ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Ms Shweta P. Chavhan, Advocate for the petitioner.
Shri Joshi, Additional Public Prosecutor for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 27/09/2024.

Heard.

2. This is an application seeking direction against respondent Authority to implement the order of release on furlough leave dated 12.06.2024.

3. The petitioner has applied for grant of furlough leave, which was considered and allowed by the respondent Authority on 12.06.2024. The petitioner's wife expressed her willingness to stand as a surety. It is the petitioner's grievance, that respondent no.3 Tahsildar has not accepting surety as the petitioner's wife does not have a tax receipt. It is submitted that petitioner's wife is residing at rented premises and thus, unable to tender the tax receipt. It is also submitted that in past, twice on the same surety, the petitioner was released on parole or furlough.

4. Learned Counsel for the petitioner relied on the decision of this Court in case of ***Bhimrao Nathuji Bhoyar vs. Superintendent, Amravati Central Prison, Amravati 2003(1)Mh.L.J. 567*** , wherein this Court has directed to

release on personal bond, if the surety is not capable to furnish surety.

5. This Court is vested with inherent powers to give effect to any order passed under the Code. In the same line, to secure the ends of justice, it necessitates us to pass the order for the petitioner's redressal. We see no logic for declining to give effect to the order merely on account of inability to furnish the tax receipt.

6. Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959 does not specify that the surety must bear a tax receipt. Of-course, it is the suggestion of the Authority to consider the peculiar facts, which necessitates us to direct the respondents-Authority to accept the surety of the petitioner's wife without insisting for tax receipt.

7. The respondents Authority to act accordingly within four weeks from today.

8. The writ petition stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.) **(VINAY JOSHI, J.)**

Trupti