



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.917 OF 2024

Shyamal Shankar Dutta (In Morshi Open Prison), Shodhpur, North 24 Pargana, West Bengal

-VS-

Deputy Inspector of General Prison (East Region), Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms Ratna Singh, Advocate for petitioner.

Smt N. R. Tripathi, Additional Public Prosecutor for respondents.

CORAM : **NTIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.**

DATE : **December 06, 2024**

P. C.

1. The petitioner was granted furlough vide order dated 18/07/2024, however condition of executing bond of Rs.10,000/- by the surety could not be satisfied. As a sequel of which the order could not be honoured within time which is prescribed in the order granting furlough.

2. It is prayed that the time be extended to release the petitioner on furlough as the petitioner was earlier released on parole on executing Personal Bond vide order dated 27/08/2024 and he has surrendered within time.

3. The learned Additional Public Prosecutor Smt Nandita Tripathi would oppose the prayer on the ground that period for which the furlough was ordered is already expired and this Court cannot extend the period. It is claimed that in such an eventuality, the petitioner has to apply afresh.

4. From the perusal of the record, it could be noticed that the petitioner has approached this Court on 13/11/2024 questioning the direction of surety to be furnished for an amount of Rs.10,000/-. The furlough was granted for a period of 28 days. The said order was valid for a period of four months from the date of issuance i.e. up to 17/11/2024.

5. As such the petitioner has approached this Court before expiry of four months period which is mentioned in the order granting furlough. Apart from above, it is not disputed that while directing release of the petitioner on parole vide order dated 27/08/2024, the petitioner was released on execution of Personal Bond and he has surrendered well within time.

6. In that view of the matter, we deem it appropriate to pass the following order.

(a) The time to give effect to the order of furlough dated 18/07/2024 is hereby extended.

(b) We direct release of the petitioner on furnishing Personal Bond as was sought in the parole order dated 27/08/2024.

(c) We record the undertaking of the petitioner that he shall surrender after enjoying the furlough leave within time stipulated by the jail authorities.

(d) The petition stands allowed in aforesaid terms.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)