



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

16 CRIMINAL WRIT PETITION NO. 251 OF 2025

Anmolsingh Swaransingh Jabbal (C/4949)

Age : 41 Years, Occu. : Nil,

R/o. Paithan Open Prison,

Dist. Aurangabad.

.... Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai.

2. The Superintendent,
Paithan Open Prison,
Dist. Aurangabad.

.... Respondents

....
Advocate for the Petitioner : Mrs. Sharada P. Chate
APP for Respondents-State : Mr. G.A. Kulkarni
....

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 17th March 2025

PER COURT :-

1. The petitioner challenges the order dated 05.02.2025, passed by respondent No.2, directing the petitioner to furnish surety of relatives to the extent of Rs.2,000/- and P.R. Bond of Rs.2,000/-, while directing his release on furlough leave.

2. Heard learned Advocate for the petitioner as well as learned APP and also perused affidavit-in-reply.

3. Learned Advocate for the petitioner now submits the disability certificate of the wife of the petitioner stating that she has 60% permanent disability in respect of her left leg and she has a four month old baby, and therefore, she cannot travel to Paithan, Dist. Chhatrapati Sambhajinagar, for executing a surety bond. The mother of the petitioner is a cancer patient and is undergoing treatment for the same at Nagpur. It was tried to be submitted that no other relative is ready to furnish surety.

4. However, from the submissions those were made further by the learned Advocate for the petitioner, what we could get is that distance is a problem. The petitioner is from Nagpur District i.e. Bhilgaon, Tq. Kamthi, Dist. Nagpur, as it appears from the disability certificate. The photocopy of it has been submitted today. The wife of the petitioner is ready to take suretyship and even in the past, the petitioner has reported fairly within time and had been released only on P.R. Bond. Now the question is that, in view of the new rules, there appears to be no discretion left to respondent No.2 to release a particular convict on parole or furlough leave only on P.R. Bond. When distance is only the physical problem and it is not a case that the wife does not want to be a surety for the petitioner, then this problem can be solved.

5. We dispose of the writ petition by directing the wife of the petitioner viz. Smt. Upnit Kaur Jabbal or any other relative, who intends to take suretyship of the petitioner to the extent of Rs.2,000/- as directed by respondent No.2 vide order dated 05.02.2025, to furnish a bail bond or necessary bond in prescribed format with Superintendent of Jail, Nagpur Central Prison, Nagpur.

6. We direct the Superintendent of Jail, Nagpur Central Prison, Nagpur to accept the said surety bond and transmit it in PDF format to Superintendent of Jail, Paithan District Open Prison, Dist. Chhatrapati Sambhajnagar, immediately. Hard copy may then transmit by the post. However, Superintendent of Jail, Paithan District Open Prison to act upon the electronically transmitted surety bond and comply with the order dated 05.02.2025, passed by respondent No.2.

7. We are not putting any time limit for the surety bond to be submitted to Superintendent of Jail, Nagpur Central Prison, Nagpur as it would be in the discretion of the relative concern.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE