



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL WRIT PETITION NO. 797 OF 2025

SUBHASH BHIDAS BARELA C-5413

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mrs. Sharda P. Chate, Advocate for petitioner

Mr. V.K. Kotecha, APP for respondent Nos.1 and 2

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

DATE : 10th JULY, 2025

ORDER :

. Present petition has been filed for directing respondent No.2 to decide the furlough leave application filed by the petitioner within one week. The said application is stated to be pending with respondent No.2 since 07.02.2025.

2 Learned APP waives notice for both respondents and places on record the communication received to him from respondent No.2. It is taken on record by marking Exh. 'X'. In the said communication it can be seen and along with the same report of Superintendent of Police, Dist. Badwani

(Madhya Pradesh) has been attached and then it is stated that the said report does not say as to whether surety is willing to take the suretyship of petitioner or not as well as the report is negative. It is stated that since there is no mention about the status of surety, it is difficult for him to come to a conclusion and, therefore, the concerned Superintendent of Police, Badwani (Madhya Pradesh) has been asked to get the consent of surety. In fact, we are surprised with the approach of respondent No.2. Before he took up the action of sending the matter for getting consent of surety, he must be then of the opinion that case is made out for release of petitioner on furlough leave. Without coming to that conclusion, when the local police has in fact given negative report, there was no question of insistence on the consent of surety. It is nothing but the time killing process, which we deprecate.

3 We **dispose of** this writ petition by directing respondent No.2 to decide the said application for furlough leave within a period of seven working days as per Rule 23(C) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)