



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

CRI. WRIT PETITION NO.1263 OF 2025

Sanjay S/o Sahebrao @ Natha Pawar,
Convict No.8452,
Age-48 years, Occu:Convict,
R/o-At present confined in Harshul Jail,
Chhatrapati Sambhajinagar,
Permanent Addressd: Village Rampuri,
Beside Pandurang Temple, Taluka-Gevrai,
District-Beed.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Superintendent,
Harshul Jail, Chhatrapati
Sambhajinagar,
- 2) D.I.G. Prisons,
Central Division,
Chhatrapati Sambhajinagar,
- 3) Inspector General of Prisons,
Yerwada, Pune.

...RESPONDENTS

...
Mr. Rupesh A. Jaiswal Advocate for Petitioner.
Mr. G.A. Kulkarni, A.P.P. for Respondents.
...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 20th SEPTEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed by the inmate to the limited extent for modification of the order passed by respondent No.2 in respect of condition of cash security of Rs.1,00,000/- and two solvent sureties of Rs.50,000/- in his order dated 28th August 2025, granting furlough leave to the petitioner.

2. Heard learned Advocate Mr. Jaiswal appearing for the petitioner and learned APP Mr. Kulkarni appearing for the respondents. In order to cut short, it can be stated that learned Advocates appearing for the respective parties have argued in support of their contentions.

3. The petitioner had approached this Court in Criminal Writ Petition No.789 of 2025, wherein the orders dated 6th March 2025 and 9th May 2025, passed by respondent Nos.2 and 3 respectively, in the said Petition were challenged thereby rejecting the furlough leave. The said Petition came to be partly allowed on 19th August 2025. Those impugned orders were quashed and set aside and the respondents were directed to release the petitioner on furlough leave by imposing appropriate conditions, by passing order within a period of 15 days from the

date of the order. The petitioner has produced orders releasing him on furlough, those were passed earlier. At that time the petitioner was released on cash security of Rs.10,000/- and Personal Bond as well as surety to the extent of Rs.10,000/- each. Now, the said amount of cash security has been directly increased to Rs.1,00,000/-, Personal Bond of Rs.1,00,000/- with two sureties of Rs.50,000/- each. This appears to be very harsh condition, for which no reason has been assigned in the order. Affidavit-in-reply has been filed by Mr. Nitin Bhalchandra Vayachal, Deputy Inspector General of Prison, Central Region, Chhatrapati Sambhajinagar. Again he has made the mistake in referring to the fact that there is bar against the prisoners who have been sentenced to undergo imprisonment for the remainder of their life. In our order passed earlier, we had considered this point and we have already held that the Notification on which the respondents are relying, could not have been applied to the petitioner's present application for furlough, which was filed prior to coming into force of the Notification dated 2nd December 2024. Therefore, the reason tried to be given for such exorbitant amount and the condition imposed, is absolutely unjustifiable. We, therefore, once again interfere in the said order, to the

extent of modifying Condition No.1 of the impugned order.

Hence, the following order:-

ORDER

(I) The Criminal Writ Petition stands partly allowed.

(II) Condition No.1, below order dated 28th August 2025 passed by respondent No.2 stands modified as follows:-

" Petitioner be released on furlough leave after deposit of cash security of Rs.10,000/-, Personal Bond of Rs.10,000/- and one surety of Rs.10,000/-."

(III) The petitioner is at liberty to comply this condition within a period of one month, and upon fulfillment of this condition the petitioner be released on furlough leave.

(IV) Other conditions i.e. Condition Nos.2 to 11 below the impugned order would remain as it is.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE