



Judgment

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

CRIMINAL WRIT PETITION No. 380/2025.

Mahendra Parasram Chakate,
Convict No.C/119, Aged 45 years,
Occupation – Nil, Confined at
Open Prison, District Nagpur.

... **PETITIONER.**

VERSUS

1.The Superintendent,
Open Prison, Nagpur.

... **RESPONDENT.**

Ms Shewta Wankhede Chavhan, Advocate for the Petitioner.
Ms Nandita Tripathi, A.P.P. for the Respondent.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ

DATE : JULY 22, 2025.

ORAL JUDGMENT (Per M.M. Nerlikar, J.) :

Heard. Rule. Rule is made returnable forthwith, and by
consent of learned Counsel for the parties, the matter is taken up for

Rgd.

final disposal.

2. The petitioner is a convict, undergoing sentence in the Open Prison. By present petition he has prayed for the following relief :

“i) *issue appropriate order and direction for release of the petitioner on furlough leave on personal bond and cash surety.*”

3. The petitioner was granted furlough leave by order dated 12.04.2025, wherein he was released on furlough leave on certain terms and conditions. Condition no.1 speaks about release of the petitioner on furnishing P.R. bond of Rs.2000/-, plus cash surety of Rs.2000/- and one local relative as surety holder who would stand as his surety by furnishing an undertaking on a stamp paper of Rs.100/-. Being aggrieved by this condition, the petitioner prays that he should be released on personal bond and cash surety.

4. The learned A.P.P. has relied upon the notification issued by the Home Department on 02.12.2024, wherein in Clause 24 it is

Rgd.

stated that the sanctioning authority may grant furlough or parole to the prisoner, subject to his executing personal bond in Form 'E' and cash security in Form 'F'. However, the jail authority has sought opinion of the government about applicability of said provision to the prisoners who are lodged in Open Prison. The said issue is pending with the Government.

5. The issue is no more *res integra*, as this Court has already considered the relevant provision incorporated in the aforesaid notification dated 02.12.2024 in Criminal Writ Petition No.355/2025 decided on 29.04.2025 (Omprakash Gayaram Nirmalkar .vrs. The Superintendent, Open Prison, Nagpur) and Criminal Writ Petition No.333/2025 decided on 23.04.2025 (Machhindra @ Avinash Ganpat .vrs. The Superintendent, Central Prison, Nagpur), wherein it is held that the jail authority can dispense with the condition of surety as contemplated in proviso to Rule 6 of the Prisons (Bombay Furlough and Parole) Rules, 1959, and therefore, in our opinion, we deem it appropriate to grant the prayer of the petitioner. Hence, the following order.

Rgd.

ORDER

- (1) Criminal Writ Petition is allowed.
- (2) We hereby quash the condition of furnishing surety of local relative only, incorporated in the order dated 12.04.2025 passed by the respondent, and direct the said respondent to release the petitioner on his furnishing P.R. bond in the sum of Rs.2000/- and Cash surety of Rs.2000/-.
- (3) Rule is made absolute in aforesaid terms.

JUDGE

JUDGE