



Judgment

cwp403.25

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

**CRIMINAL WRIT PETITION No. 403/2025.**

Anandrao Purushottam Gotefode,  
Convict No.C/122, Aged 46 years,  
Occupation – Nil, Confined at  
Open Prison, District Nagpur.

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**PETITIONER.**

**VERSUS**

1.The Deputy Superintendent,  
Central Prison, Nagpur.

2.The Superintendent,  
Open Prison, Nagpur.

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**RESPONDENTS.**

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

Rgd.

consent of learned Counsel for the parties, the matter is taken up for 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 to the respondent no.2 for release of the petitioner on furlough leave on personal bond and cash surety.*”

3. The petitioner has applied for grant of furlough leave. In that regard the respondent has vide communication dated 04.04.2025 informed him that, the name of the local surety as suggested by him has refused to stand as his surety. The petitioner was therefore, called upon to furnish name of new surety. Being aggrieved by this, 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

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. 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 incorporated in the communication dated 04.04.2025 of furnishing new surety, and direct the said respondent to release the petitioner on his furnishing P.R. bond and Cash surety, as the said Authority may deem fit.
- (3) Rule is made absolute in aforesaid terms.

**JUDGE**

**JUDGE**