



Judgment

cwp618.25

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

CRIMINAL WRIT PETITION No. 618/2025.

Kamlakar Goma Chaudhary,
Aged 48 Yeas, s/o Soma Chaudhary,
Convict No.C/121, presently confined
at Nagpur Open Prison, residing at
Kolari, Post Sathgaon, Taluka
Chimur, District Chandrapur.

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PETITIONER.

VERSUS

The Superintendent,
Nagpur Open Prison,
Nagpur.

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RESPONDENT.

Ms S. Khobragade, Advocate for the Petitioner.
Ms N. Tripathi, A.P.P. for the Respondent.

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

DATE : AUGUST 08, 2025.

Rgd.

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 final disposal.

2. The present petition is filed by the petitioner seeking a direction that he be released on furlough leave on furnishing P.R. Bond.

3. By order dated 08.07.2025, the respondent has granted furlough leave to the petitioner on certain terms and conditions. One of the condition is, that he should furnish P.R. Bond in the sum of Rs.2000/- and cash security of Rs.2000/-. Along with this, he should furnish local surety of Rs.2000/- of some local relative and an undertaking on stamp paper of Rs.100/-.

4. We have heard the learned Counsel for the respective parties. The learned A.P.P. has pointed out that in view of the

notification dated 02.12.2024, there is no provision to release the petitioner on P.R. Bond. She further submits that a clarification has been sought from the Government so far as the prisoners who are undergoing imprisonment in open prison is concerned.

5. Considering above facts and circumstances, this Court has consistently taken a view that if the prisoner is in open prison, he can be released on furlough leave on furnishing P.R. Bond. In Criminal Writ Petition No.333/2025, this Court has by order dated 23.04.2025 ordered release of the petitioner therein on personal bond. Similar view is taken in Criminal Writ Petition No.238/2025. Therefore, considering the above facts and circumstances, we deem it appropriate to grant the prayer of the petitioner. Hence, the following order.

ORDER

- (1) Criminal Writ Petition is allowed.
- (2) We hereby quash the condition incorporated in the order dated 08.07.2025 of furnishing surety of local

relative, and direct the respondent to release the petitioner on his furnishing P.R. bond of Rs.2000/-.

(3) Rule is made absolute in aforesaid terms.

JUDGE

JUDGE