



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

CRIMINAL WRIT PETITION NO.630/2025

Monu alias Manoj Jawahrlal Soni and Ors. .Vs. Director General of Police and IG
Prisons and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. Singh, Advocates for petitioners.

Mr. G. A. Kunte, Advocate for respondent Nos. 1 to 3.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATE : SEPTEMBER 17, 2025

On 04.08.2025, following order was passed:

"Heard.

2. The petitioners were released on furlough on furnishing cash security of Rs.10,000/- by petitioner No.1, Rs.2,000/- by petitioner No.2 and Rs.10,000/- by petitioner No.3. They were to report to the prison within stipulated time. Petitioner No.1 reported two hours late, petitioner No.2 reported 15 minutes late and petitioner No.3 reported 20 minutes late. Respondents – authorities imposed punishment of forfeiture of cash security for reporting late. Argument is that despite the justified reasons assigned, the respondents have forfeited the cash security.

3. Issue notice to the respondents, returnable in two weeks.

4. A.P.P. waives service of notice for the respondents.

2. As could be seen, petitioner No.1 reported two hours late, petitioner No.2 reported 15 minutes late and petitioner No.3 reported 20 minutes late.

3. According to learned counsel for the petitioners, petitioner No.1 is resident of Mumbai but was required to stay at Nagpur. He was not aware of the route to reach the prison. He tried to reach in time, but got little late. Petitioner No.2 resides at 300 Km. away and despite attempts, he got late by 15 minutes. Petitioner No.3 boarded

the bus in time but bus reached late and accordingly reached the prison 20 minutes late.

4. Learned A.P.P. does not dispute the aforesaid status. She submits that in terms of Rule 29 of the Maharashtra Prisons (Furlough and Parole) Rules, 2024 ("Rules"), if a prisoner does not surrender in time, the only option available with the authority is to forfeit the amount of cash surety and to register First Information Report ("FIR") under Section 262 of the Bhartiya Nyay Sanhita, 2023.

5. Accordingly, cash surety has been forfeited. FIR, however, has been not lodged. The reason assigned is that the petitioners themselves have surrendered.

6. Thus, the respondents, while forfeiting the cash surety have complied Rule 29 of the Rules strictly and when it came to lodging the FIR, have shown leniency on the count that the petitioners themselves have surrendered.

7. In the circumstances, since the petitioners themselves have surrendered and despite efforts they failed to report the prison in time, we are of the considered view that the forfeiture of cash surety will amount to penal action, when the facts do not call for such a strict action.

8. The petition is accordingly allowed. Respondents shall release the cash surety so forfeited within two weeks from today.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)