

(2013) 09 BOM CK 0161

In the Bombay High Court

Case No : Criminal Writ Petition No. 453 of 2013

Hemraj

APPELLANT

Vs

The State of Maharashtra and Another

RESPONDENT

Date of Decision : 23-09-2013

Acts Referred:

Citation : (2014) ALLMR(Cri) 589

Hon'ble Judges : Z.A. Haq, J;B.R. Gavai, J

Bench : Division Bench

Final Decision : Allowed

Judgement

B.R. Gavai, J.—Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties. The petitioner approached this Court by challenging the order dated 23-2-2013 passed by respondent No. 1, thereby rejecting the application of the petitioner to release him on furlough for 14 days to meet the family members. On perusal of the order passed by respondent No. 1, the ground of rejection of the application is that, in the police report it is stated that the surety of the petitioner namely Sau. Manda Chauhan does not have any immovable property in her name and, hence, she is not competent to stand as surety. It is specifically mentioned in this order that on the earlier occasion the accused was released on furlough by accepting the surety from the said Sau. Manda Chauhan, but he had not surrendered on the due date.

2. In that view of the matter, we are inclined to allow this criminal writ petition by directing the respondents, to release the petitioner-Hemraj Chauhan on furlough for a period of 15 days, after accepting the surety from Sau. Manda Chauhan, the sister-in-law of the petitioner. Rule made absolute in above terms. No order as to the costs.