



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

953 CRIMINAL WRIT PETITION NO. 1863 OF 2023

Bandu Balasaheb Uttam Dake  
VERSUS  
The State Of Maharashtra And Another

...  
Advocate for the Petitioner : Mr. Rahul Omprakash Awasarmol  
APP for the respondent – State : Mr. G.A. Kulkarni  
...

**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATE : 03 JANUARY 2024**

**PC :**

Heard both sides.

2. The petitioner has been seeking regular parole which request has been turned down by the impugned order inter alia on the ground that necessary mandatory period of six months / one year from return from the previous furlough / regular parole leave was not over.

3. Admittedly, the petitioner was granted furlough leave by the order passed in June 2022. Admittedly, after availing furlough leave, he returned to prison on 28-03-2023. The impugned order was passed on 10-04-2023.

4. Irrespective of the fact that the impugned order does not expressly mention about he having returned after availing the furlough

leave on 28-03-2023, the fact remains that he indeed returned to the prison after availing of the furlough leave on 28-03-2023 i.e. before the impugned order was passed.

5. In view of above, necessary mandatory period as is contemplated under Rule 19(2)(C)(ii) of the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2018 would be an impediment for the petitioner to be entitled to be released on regular parole.

6. Petition is dismissed.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

arp/