



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL WRIT PETITION NO. 530 OF 2025

Dashrt @ Dk Laximan Kasbe (c-374)

VERSUS

The State of Maharashtra and others

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Advocate for the Petitioner : Ms. Sharada P. Chate

APP for Respondents: Mr. A.D. Wange

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 9th JULY, 2025

PER COURT :-

1. By invoking the Constitutional powers of this court, the petitioner challenges the orders passed by respondent Nos. 2 and 3 dated 11.03.2025 and 08.04.2025, respectively, thereby refusing to release the petitioner on furlough leave.

2. Heard learned advocate for the petitioner and learned A.P.P. for the respondents.

3. It appears from the record that the present petitioner is undergoing sentence in the open prison at Isapur, Ahmednagar. He was convicted for the offence punishable under Section 302 of I.P.C. on 16.12.2015 and has been sentenced to suffer imprisonment for life. He had submitted an application on 02.02.2025 for grant of

furlough leave. At that time, he had given name of one person, who would stand as surety for him, however, in the police verification, he withdrew his consent. An opportunity was given to the petitioner to give another surety. Accordingly, he had given name of another person. In the police report, it was stated that there is offence registered against the proposed surety and therefore, possibility of committing crime by the present petitioner alongwith his surety cannot be ruled out and therefore, the police objected. Thereupon, both the authorities then rejected the application of the petitioner.

4. Learned A.P.P. submits that in view of the Maharashtra Prisons (Furlough and Parole) Rules, 2024, which have come into existence in December, 2024, the authority is not empowered to release any inmate on parole or furlough leave without taking surety and therefore, both the orders are justified.

5. We would like to rely on the decision in criminal writ petition No.332 of 2025 (***Narsingh Shankar Talnikar and others vs. State of Maharashtra and others***) decided on 11.06.2025, wherein after taking a note of earlier Full Bench's decision in the case of ***Dipak s/o Sudhakar Wakalekar Vs. State of Maharashtra and Ors., [2011 ALL MR (Cri.) 1933]***, Rule No.6 of the earlier Rule as well as present Rule have been interpreted in respect of inmates who are undergoing

the sentence in open prison. The word “shall” has been interpreted as “may” for the same and authorities were directed to take a note of the interpretation which we had made in future orders to be passed. Thus, the orders in question in this writ petition are prior to our decision in ***Narsingh s/o Shankar Talnikar (supra)*** and therefore, we set aside both the orders i.e. order dated 11.03.2025 and 08.04.2025 passed by respondent Nos. 2 and 3, respectively, and we relegate the matter to respondent No.2, to be decided by taking into consideration the judgment in the case of ***Narsingh s/o Shankar Talnikar (supra)***, within a period of three weeks from today.

6. Writ petition accordingly stands disposed of.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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