



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.981 OF 2025**

Subhash Narayan Nath C/5507,  
Age-62 years, Occu:Nil,  
R/o-Serving Sentence in Paithan  
Open Prison, District-Aurangabad.

**...PETITIONER**

**VERSUS**

- 1) The State of Maharashtra,  
Through its Secretary,  
Home Department, Mantralaya,  
Mumbai-400032,
- 2) The Superintendent,  
Paithan Prison,  
District-Aurangabad.

**...RESPONDENTS**

...  
Ms. Sharda P. Chate Advocate for Petitioner.  
Mr. S.A. Gaikwad, A.P.P. for Respondent Nos.1 and 2.  
...

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

**DATE : 5<sup>th</sup> AUGUST 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. The petitioner convict takes exception to the order/direction dated 29<sup>th</sup> April 2025 issued by respondent No.2

in respect of his furlough leave and further prays for direction to respondent No.2 to release the petitioner on furlough leave for 28 days upon executing personal bond or cash surety only as per application dated 26<sup>th</sup> June 2025.

2. Heard learned Advocate Ms. Chate appearing for the petitioner and learned APP Mr. Gaikwad appearing for respondents. In order to cut short, it can be stated that the learned Advocates appearing for respective parties have argued in support of their contentions.

3. The facts those have been posed by the petitioner are that he is undergoing his incarceration in connection with offence punishable under Section 302 of the Indian Penal Code, upon the Judgment and order passed by the learned Additional Sessions Judge, Amalner, District-Jalgaon in Sessions Case No.30 of 2012. He has completed more than 12 years of his actual imprisonment. He has submitted an application for grant of furlough leave on 10<sup>th</sup> January 2025. After the procedure was undertaken, respondent No.2 had passed the order on 29<sup>th</sup> April 2025, to produce fresh surety within ten days as the earlier person who was named by the petitioner as surety, had given up

the acceptance of suretyship before the police and such report was given by letter dated 15<sup>th</sup> April 2025. As there was no other person ready to accept the suretyship of the petitioner, he submitted the request application to respondent No.2 on 26<sup>th</sup> June 2025, praying that he should be released on personal bond as well as cash security. According to the petitioner, as he is confined in open prison, proviso to Rule 6 of the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, would be applicable to him and therefore, he relies on the decision of the Full Bench of this Court in ***Dipak Sudhakar Wakalekar vs. State of Maharashtra and others, 2011 ALL MR (Cri) 1933.*** The petitioner's application dated 26<sup>th</sup> June 2025 has not been decided.

4. Important point to be noted is that admittedly the furlough leave application has been given by the present petitioner on 10<sup>th</sup> January 2025. We should take note of the Rules those were amended on 2<sup>nd</sup> December 2024, in respect of the parole and furlough leave. Those Rules specifically provides that the effect of the order that would be passed, would remain in force for two months only from the date of passing of the order. Now, in this case the order was already passed on 29<sup>th</sup> April 2025, directing

the petitioner to produce fresh surety within ten days, but the petitioner has not taken any step immediately thereafter. Whatever representation or fresh application has been filed by him, is on 26<sup>th</sup> June 2025. The Rules to that effect, which have been amended on 2<sup>nd</sup> December 2024, are not challenged by the petitioner. Therefore, this Court is not of the opinion that prayer clause "C)" can be considered for issuing directions to release the petitioner on furlough leave.

5. The order dated 29<sup>th</sup> April 2025, is on record and it appears that the decision to grant furlough leave was not taken on that day. Only it was stated that, since the wife of the petitioner, whose name was given as the surety, is not now ready to stand as surety, therefore, the petitioner should provide name of another person as surety. It is specifically mentioned in the communication dated 29<sup>th</sup> April 2025, that after the name is supplied by the petitioner the police report would be taken in respect of the surety, which would then be helpful in taking decision on furlough leave. That means, the said application is still pending and therefore, treating the communication dated 26<sup>th</sup> June 2025, by the petitioner, as his representation, directions can be given to respondent No.2 to decide the

application. The said rule of validity of order for two months will not be applicable here as there is no order granting or rejecting the furlough leave of the petitioner on the basis of his application dated 10<sup>th</sup> January 2025. Accordingly, respondent No.2 to decide the application of the petitioner in view of the above observations. Here, we would like to bring to the notice of respondent No.2 the decision of this Court in *Criminal Writ Petition No.332 of 2025 (Narsingh Shankar Talnikar and others vs. State of Maharashtra and others)*, decided on 11<sup>th</sup> June 2025, in which we have already clarified the legal position. Thus, the prayers as prayed by the petitioner cannot be granted and therefore, the same stands rejected.

6. With the above observations and directions, the Writ Petition stands disposed of.

[SANJAY A. DESHMUKH]  
JUDGE

[SMT. VIBHA KANKANWADI]  
JUDGE