



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

941 CRIMINAL WRIT PETITION NO. 1542 OF 2025

SANJAY NAMDEO KULKARNI (C-4994)

VERSUS

THE STATE OF MAHARASHTRA

....

Ms Priyanka Lalit Kale, Advocated (Appointed) for the Petitioner
Mr. S. P. Sonpawale, APP for the Respondent – State

....

**CORAM : SANDIPKUMAR C. MORE AND
Y. G. KHOBRAGADE, JJ.**

DATE : December 04, 2025

JUDGMENT (PER: Y. G. KHOBRAGADE, J.) :-

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. By the present petition, the petitioner prayed for quash and set aside the impugned order dated 10.10.2025, whereby respondent No.3 confirmed the order dated 29.08.2025 passed by respondent No.2 rejecting furlough leave to the petitioner.

3. Admittedly, the petitioner has been convicted for the offence punishable under Section 302 of I.P.C. as per the judgment and order dated 27.08.2010 passed by the learned Ad-hoc Additional Sessions Judge, Dhule in Sessions Case No.104 of 2009.

4. On 07.04.2009, the petitioner was arrested and he sentenced to suffer life imprisonment.

5. As on today, the petitioner undergone imprisonment of 13 years 5 months. The petitioner was first time released on parole leave on 02.02.2024 and he had surrendered on 02.03.2024. On second time, the petitioner was released on furlough during Covid-19 on 13.05.2020 and he was surrendered on 27.05.2022. On 28.10.2024, the petitioner submitted an application for grant of furlough leave. However, on 07.02.2025, one Shri Ajay Kulkarni refused to stand as surety for the petitioner.

6. This is a matter of record that on 11.10.2024, the petitioner / inmate submitted an application for grant of furlough leave. Accordingly, report was called. However, it has been revealed that no one is ready to stand as surety for the petitioner /inmate vide

report dated 12.02.2025. Therefore, the petitioner was declined to grant furlough leave vide order dated 21.08.2025, which has been confirmed by the respondent No.3 on 10.10.2025.

7. The issue involved in the present petition about applicability of amended Rule 24(1) of the Maharashtra Prison (Furlough And Parole) Rules, 2024, is applicable retrospectively or prospectively. On 13.11.2025, this Court in Criminal Writ Petition No.1450 of 2025 held that amended Rule 24(1) of the Maharashtra Prison (Furlough And Parole) Rules, 2024, cannot be made applicable to the petitioner with retrospective effect and he cannot be compelled to furnish surety as the petitioner had submitted application for furlough leave on 28.10.2024 i.e. prior to coming into force of the said rules.

8. In view of above discussion and considering the law laid down in the above cited judgment, the impugned order dated 10.10.2025 passed by respondent No.3 and order dated 21.08.2025 passed by respondent No.2, needs to be quashed and set aside. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 10.10.2025 passed by respondent No.3 and order dated 21.08.2025 passed by respondent No.2, are hereby quashed and set aside.
- (iii) Respondent No.2 is hereby directed to release the petitioner / inmate on furlough leave for 28 days on furnishing his personal bond of Rs.15,000/- in Form 'B' and cash security bond of Rs.5,000/- in Form 'C' appended to the Prisons (Bombay Furlough And Parole) Rules, 1959.
- (iv) Accordingly, Rule is made absolute in above terms.
- (v) No order as to cost.
- (vi) Fees of appointed advocate for the petitioner, be quantified as per rule and be paid to her, expeditiously.

[Y. G. KHOBRADE, J.]

[SANDIPKUMAR C. MORE, J.]