



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.372 OF 2025

PETITIONER : 1) **Tejrao Namdeo Ingle (C-1694)**
Aged about 64 years, Occ: NA
R/o Post Kalambeshwar, Tah. & Distt.
Akola.

..VERSUS..

RESPONDENTS : 1) **Deputy Inspector General of Prison, (East Region),**
Nagpur.
: 2) **Superintendent of jail,**
Central Prison, Amravati.

Ms Ratna Singh, Advocate for petitioner
Ms Nandita Tripathi, APP for the respondent Nos.1 and 2/State

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 12.06.2025

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. By way of present writ petition, a challenge is raised to the order dated 15.03.2025, passed by respondent No.1- Deputy Inspector General of Prison (East Region), Nagpur,

rejecting the application of the petitioner for grant of furlough leave, to meet his family.

4. As the petitioner is seeking furlough leave for 28 days, his application dated 04.07.2024 was considered by the respondent no.1 and while considering the said application, the police report was called which was favorable to the petitioner. However, on considering the fact that when he was granted furlough leave on 12.10.2000, he overstayed for 1123 days and on second occasion, when he was granted furlough leave on 14.05.2009 for 14 days, he over stayed for 6 days.

5. Whereas, on last occasion, when he was granted furlough leave on 21.10.2010 for 14 days, he over stayed for 2,231 days. The subsequent application of the petitioner i.e. 15.06.2018 and 12.06.2023 came be rejected.

6. In the said backdrop, the respondent No.1 rejected the application of the petitioner on the ground that in 2016, when he was released on furlough leave at that time he over-stayed for 2231 days. This finding is contrary to the record, as the record shows that the furlough leave was granted on

21.10.2010 and not in the year 2016 in fact on 21.04.2016 the petitioner was arrested.

7. As per the policy of the government, a prisoner who has defaulted, in any way, in returning to a prison, at the time of compliance on his furlough or parole leave, he shall be eligible for furlough leave after five years, after admission, in the case where a prisoner overstayed for 366 or more days.

8. Admittedly, the petitioner was arrested on last occasion on 21.04.2016, when he was granted furlough leave on 21.10.2010. As per the record, he over stayed for 2231 days.

9. Thus, considering the total days he over stayed, he is entitled for making application for furlough leave after five years on admission for his over stay.

10. Thus, considering the date on admission of the petitioner in the prison i.e. 21.04.2016, the petitioner is entitled to apply after 21.04.2021.

11. In the circumstances, as the reasons recorded in the impugned order appear to be contrary to the record and further the findings that the police report is favorable to the petitioner,

we are of the opinion that the present petition needs to be allowed. Accordingly, we pass following order:

- (i) The writ petition is **allowed**.
- (ii) The order impugned passed by respondent No.1- Deputy Inspector General of Prison (East Region), Nagpur on 15.03.2025, is hereby quashed and set aside.
- (iii) The respondent is directed to release the petitioner on furlough leave for a period of 28 days, after completing necessary procedure, as per law, within 15 days.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)