



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

CRIMINAL WRIT PETITION NO.432 OF 2025

Petitioner : Sachin Kashinath Ingle,
 Convict No.C/8155, Aged 32 Years,
 Occ. Nil, Confined at Central Prison, Nagpur.
 – Versus –

Respondents : 1. The Special Inspector General of Police (Prison),
 Eastern Region, Nagpur.
 2. State of Maharashtra,
 through Deputy Inspector General of Prison,
 Eastern Region, Nagpur.

 Mrs. Shweta Wankhede-Chavhan, Advocate for the Petitioner.
 Mrs. Nandita Tripathi, A.P.P. for the Respondents.

CORAM : **ANIL L. PANSARE & M.M. NERLIKAR, JJ.**
DATE : **28th JULY, 2025.**

ORAL JUDGMENT : *(Per M.M. Nerlikar, J.)*

01. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

02. The present writ petition is being filed by a convict, who is undergoing sentence of life imprisonment for the offences punishable under Section 302 read with Section 34 and 120B of the Indian Penal Code (IPC).

03. The petitioner filed this petition challenging the order dated 04/04/2025, whereby the application of the petitioner for furlough leave was

rejected by respondent No.1 as per Chapter II which deals with Furlough, Rule 4(2)(l) and (m) appended to the notification dated 02/12/2024 for the reason that when the petitioner was released on leave in 2011 and 2016, he himself surrendered late by 36 days and 6 days respectively. Further, there is also an adverse police report, as the petitioner has been alleged to have committed offences punishable under Sections 370, 370A, 354A, 354D and 323 of IPC, Sections 4 and 5 of Immoral Traffic (Prevention) Act, 1956 and Sections 8 and 17 of the Protection of Children from Sexual Offences Act, 2012, when he was released on leave in 2020 i.e. during Covid-19 pandemic.

04. We have heard the learned Counsel for the petitioner. She has vehemently submitted that the grounds on which the application for furlough leave was rejected by respondent No.1 is not tenable in the eyes of law, as the petitioner has already undergone the sentence of 13 years, 5 months and 18 days till 31/07/2024. She has further submitted that the petitioner was released on many occasions either by the jail authorities or by the Hon'ble High Court. She has further submitted that the petitioner was granted furlough leave on 19/12/2023 and he reported back to jail on the given due date. She has further submitted that the father of the petitioner has sought information under the Right to Information Act, 2005 and the information is supplied to him, wherein it can be gathered that the petitioner was released on several occasions either on parole or furlough and the conduct of the

petitioner was good in the jail as per the information supplied by the jail authorities.

05. *Per contra*, the learned A.P.P. vehemently argued that when the petitioner was released during Covid-19 on parole, he has committed several offences and not only that, prior to this, in the year 2011 and 2016, he himself surrendered late and, therefore, respondent No.1 has rightly rejected the application of the petitioner for furlough leave.

06. We have considered the rival submissions of both the parties. It is not in dispute that the petitioner was convicted for the offence punishable under Section 302 read with Section 34 and 120B of IPC. It is also not in dispute that the petitioner has completed more than 13 years of the imprisonment. The petitioner submitted an application for grant of furlough leave and by the impugned order, the application was rejected for the aforesaid reason. It is pertinent to note that the adverse police report states that the petitioner has committed offences, when he was released on parole and still in the year 2023 i.e. after registration of the F.I.R., he was granted furlough leave by the jail authorities by order dated 19/12/2023. Accordingly, he was released on 22/12/2023 and he surrendered to the jail authorities on 20/01/2024 i.e. on due date. Not only that, from the information, which was supplied to the father of the petitioner, the same reveals that the conduct of the petitioner is good in the prison and, therefore, the reason which is

assigned in the order dated 04/04/2025 cannot be sustained. On one hand, the petitioner was released in 2023, even though offences were registered in the year 2022. On the other hand, so far as another ground on which the application was rejected is that in the year 2008, offence under Section 393 read with Section 34 of IPC was registered against the petitioner. However, in the said offence, the petitioner was on bail. Respondent No.1 has taken the aid of Chapter-II dealing with Furlough, Rule 4(2)(l) and (m) for rejecting the application of the petitioner. Rule 4(2)(l) and (m) reads as under :

4. Categories of eligibility of prisoners for furlough

(2) The following prisoners shall not be eligible for furlough, namely:

(l) prisoners, whose release is not recommended by an officer not below the rank of the Assistant Commissioner of Police or Deputy Superintendent of Police, on the ground that their release is prejudicial to public peace, order and tranquility;

(m) Prisoners, who is the opinion of the Superintendent of Prisons-

(i) exhibit criminal tendencies and can pose a threat to others,

(ii) did not conduct themselves as per the prescribed conduct or did not do the assigned work;

07. So far as Chapter II, Rule 4(2)(l) is concerned, it deals with adverse police report. From the record, it can be gathered that, the adverse

police report demonstrates apprehension of the police authorities that if the petitioner is released, he would commit another crime. However, this apprehension cannot be considered as the petitioner was released in the year 2023 and he reported back in time. So far as Rule 4(2)(m) is concerned, it speaks about the conduct of the prisoner. However, it falsifies the case of respondent No.1 that his conduct is not good as he is not doing the work assigned to him, on the basis of the information supplied by the jail authorities by communication dated 19/10/2024, which is annexed to the petition as Annexure-3. Clause 12 of the aforesaid communication, whereby the information was supplied for last 12 months, shows the conduct of the petitioner as good. Therefore, the grounds on which the application was rejected cannot be accepted for the aforesaid reasons.

08. Therefore, considering the facts and circumstances of the case, we are inclined to allow the application by granting furlough leave of 28 days to the petitioner on the terms and conditions as the jail authorities may deem fit. Hence, the following order is passed:

ORDER

- i. The criminal writ petition is allowed.
- ii. We hereby quash and set aside the impugned order dated 04/04/2025 passed by respondent No.1 and direct the said authority to release the petitioner on furlough leave for 28 days

on the terms and conditions as the said authority may deem fit.

iii. Rule is made absolute in the aforesaid terms.

(M.M. Nerlikar, J.)

(Anil L. Pansare, J.)

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