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

**CRIMINAL WRIT PETITION NO. 652 OF 2026**

Vishnu Hari Khopkar C/No.5239
Age : 64 years, Occ : Nil,
R/o Serving Sentence Paithan Open
Prison Dist. Aurangabad.

**...PETITIONER**

**~VERSUS~**

1. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai - 400 032

2. The Superintendent
Paithan Prison,
Dist. Chh. Sambhajinagar

3. The Deputy Inspector General of
Prisons, Western Region, Aurangabad,
Division Chh. Sambhajinagar

. **...RESPONDENTS**

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- Ms. Sharada P. Chate, Advocate for the petitioner
- Mr. N.B. Patil, APP for respondent nos.1 to 3

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**CORAM : SANDIPKUMAR C. MORE &**
**VAISHALI PATIL-JADHAV, JJ.**

**RESERVED ON : OCTOBER 21, 2026**

**PRONOUNCED ON : OCTOBER 22, 2026**

**ORDER :** [Per Vaishali Patil-Jadhav, J.]

. Heard. Rule. Rule is made returnable forthwith, and by consent of learned counsel for the parties, the matter is taken up for final disposal.

2. The petitioner is a convict undergoing sentence in the open prison. The petitioner had filed application for furlough leave. The furlough leave was granted by respondent no.2 on the condition that he shall furnish surety. Since the petitioner's surety was not ready to give the surety, the petitioner was asked to give the name of another surety. As the petitioner showed his inability to give another surety, his application was rejected by order dated 11.12.2025 by respondent no.2.

3. The petitioner has challenged the order dated 11.12.2025 passed by respondent no.2 by filing an appeal before respondent no.3 and the same was rejected by order dated 17.02.2026 as the petitioner could not give surety.

4. The petitioner has filed this petition praying that the orders dated 11.12.2025 and 17.02.2026 passed by

respondent nos.2 and 3 respectively be set aside and the petitioner be released on furlough on personal bond as petitioner is unable to give any other surety.

5. Learned A.P.P. has relied upon the notification issued by the Home Department on 02.12.2024, wherein in Clause 24, it is stated that the sanctioning authority may grant furlough or parole to the prisoner, subject to his executing personal bond in Form `E' and cash security in Form `F'. However, the jail authority has sought opinion of the government about applicability of said provision to the prisoners who are lodged in Open Prison. The said issue is still pending with the Government.

6. We have heard learned counsel for the respective parties.

7. In the similar facts and circumstances, this Court has allowed ***Criminal Writ Petition No.333/2025 (Machhindra @ Avinash Ganpat Vs. The Superintendent, Central Prison, Nagpur), Criminal Writ Petition No.618/2025 (Kamlakar Goma Chaudhary Vs.***

***The Superintendent, Nagpur Open Prison, Nagpur) and Criminal Writ Petition No. 446/2026 (Mahendra S/o Parasramji Chakate Vs. Deputy Inspector of General of Prison, East Region, Nagpur and another***, wherein it is observed that, if the prisoner is in open prison, then he can be released on furlough leave on furnishing P.R. bond. Therefore, considering the above facts and circumstances, we deem it appropriate to grant the prayer of the petitioner. Accordingly, we proceed to pass the following order :-

ORDER :-

(i) The Criminal Writ Petition is allowed.

(ii) We hereby quash the orders dated 11.12.2025 and 17.02.2026 passed by respondent nos.2 and 3 and direct respondent no.2 to release the petitioner on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand only).

(iii) Rule is made absolute in the above terms.

(iv) Pending application, if any, shall stand disposed of accordingly.

**[VAISHALI PATIL-JADHAV]**
**JUDGE**

**[SANDIPKUMAR C. MORE]**
**JUDGE**

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