

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 90 OF 2026

Sanjay Sahebrao @ Natha
Pawar (Convict No.8452)

Petitioner

Versus

1. The State of Maharashtra
Through Superintendent, Harsul
Jail, Chh. Sambhajnagar
2. D.I.G. Prisons, Central Division,
Chh. Sambhajnagar
3. Inspector General of Prison,
Yerwada, Pune

Respondents

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Mr. Rupesh Jaiswal, Advocate for the petitioner.
Mr. S.P. Sonpawale, A.P.P. for respondent Nos.1 to 3.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

Reserved on : 26.02.2026
Pronounced on : 18.03.2026

Order (Per Sandipkumar C. More, J.) :

1. Rule. Rule made returnable forthwith. By the consent of learned counsel Mr. Rupesh Jaiswal for the petitioner as well as learned APP Mr. S.P. Sonpawale, heard finally at the stage of admission.

2. By way of this petition, the petitioner convict is

seeking quashing of orders of respondent Nos.2 and 3 dated 25.09.2025 and 03.12.2025 respectively, thereby rejecting the application of the petitioner for parole leave, on the grounds that there was negative police report and the petitioner absconded on earlier occasion and that as per Rule 4(2) (j) of the Maharashtra Prison (Furlough and Parole) Rules, 2024 (hereinafter referred to as the "Rules of 2024"), he is not entitled for parole leave.

3. According to learned counsel for the petitioner, the petitioner has been convicted for the offence punishable under Sections 302 and others of the Indian Penal Code in Sessions Case No.56/2009 by learned Sessions Judge, Beed and sentenced to suffer imprisonment for life till his natural death. He further submitted that the petitioner filed an application for parole leave on 12.04.2025 to respondent No.1 which was, in turn, forwarded to respondent No.2. But respondent No.2, under order dated 25.09.2025 rejected the same on the ground that there was negative police report and that the petitioner was sentenced to suffer imprisonment for life till his natural death. Even the appeal made by petitioner to respondent No.3 was also rejected on 03.12.2025 by confirming the aforesaid order of respondent No.2. According

to learned counsel for the petitioner, the petitioner was released on furlough leave on various occasions in the past also and except on one occasion, he surrendered himself in time. Only on one occasion he had absconded for 728 days, but for that late surrender he is already removed from remission register and thus punished substantially. According to him, considering the object of parole and furlough leave, there cannot be bar of Ruls 4 (2(j) of Rules of 2024. In support of his submissions, he placed reliance on the following judgments.

(i) Atbir vs State of NCT of Delhi; 2022 ALL SCR (Cri) 1351

(ii) Judgment of this Court in Criminal Writ Petition No.789 of 2025 (Sanjay Sahebrao @ Natha Pawar and others

4. Per contra, learned A.P.P. strongly opposed the submissions made on behalf of the petitioner. According to him, both the impugned orders have been passed by respondent Nos.2 and 3 as per the Rules of 2024 wherein it is categorically mentioned that a prisoner, sentenced to suffer imprisonment for life till his natural death, is not entitled to be released on parole. As such, he supported both the impugned orders and prayed for dismissal of the petition.

5. The record shows that the petitioner had sought his release on parole leave on account of illness of his daughter. Further, the Sub Divisional Police Officer, Georai, District Beed had also submitted inquiry report wherein it was mentioned that one Sangita Kailas Pawar who is close relative of the petitioner, was ready to stand surety to him. Moreover, it is also mentioned in the said report that daughter of the petitioner is suffering from Appendicitis which is serious in nature as per the certificate of Civil Surgeon, Jalna. In the said report it was also intimated that since the surety was female, she was not competent to stand as a surety. Thus, one of the grounds for rejection of parole leave to the petitioner is the negative police report. However, the opinion that surety being a lady is not competent to stand as surety to the petitioner, is definitely erroneous.

6. The second ground mentioned in the order is that in the past the petitioner had surrendered belatedly by 728 days. However, the Hon'ble Apex Court in the case of ***Atbir vs State of NCT of Delhi*** (supra), by considering the existing Rules for furlough and parole leave and also various judgments passed earlier, has made following observations.

“15. In other words, even if the appellant is to

remain in prison for the whole of remainder of his life, the expectations from him of good conduct in jail would always remain; and the lawful consequences of good conduct, including that of furlough, cannot be denied, particularly when the same has not been prohibited in the order dated 15.11.2012. We need not elaborate to say that depriving of even the concession of furlough and thereby taking away an incentive/motivation for good conduct would not only be counter-productive but would be an antithesis to the reformatory approach otherwise running through the scheme of Rules of 2018.

16. We may also observe that in the impugned order passed by the Director General of Prisons, it has been stated in paragraph 2 that the appellant had not earned the last 3 Annual good conduct reports. Such observations, prima facie, appear to be of mixing up the 'Annual good conduct report' with 'Annual good conduct remissions'. Be that as it may, we would leave all other aspects of entitlement of the appellant to furlough open for consideration of the authorities concerned. However, the appellant cannot be denied furlough with reference to the order dated 15.11.2012. The said order cannot be construed to take away the requirements on the appellant to maintain good conduct; and to take away the rights, if flowing from his maintaining good conduct.

17. Thus, looking to the concept of furlough and the reasons for extending this concession to a prisoner lead us to hold that even if a prisoner like the appellant is not to get any remission in his sentence and has to serve the sentence of imprisonment throughout his natural life, neither the requirements of his maintaining good conduct are whittled down nor the reformatory approach and incentive for good conduct cease to exist in his relation. Thus, if he maintains good conduct, furlough cannot be denied as a matter of course.

17.1. We would hasten to observe that whether furlough is to be granted in a given case or not is a matter entirely different. Taking the case of the appellant, he is a person convicted of multiple

murders. Therefore, the requirement of Rule 1225 of the Rules of 2018 may come into operation. However, it cannot be said that his case would never be considered for furlough. Whether he is to be given furlough on the parameters delineated therein or not is a matter to be examined by the authorities in accordance with law.

18. In view of the above, while disapproving blanket denial of furlough to the appellant in the orders impugned, we would leave the case of the appellant for grant of furlough open for examination by the authorities concerned in accordance with law”.

On going through the aforesaid observations, it is clearly evident that even if a prisoner is not to get any remission in his sentence, but that does not mean that he cannot be released on furlough or parole leave. It is extremely important to note that furlough and parole leave are granted to the convicts for following purposes

- a) To enable the inmate to maintain continuity with his family and deal with family matter.
- b) To save him from evil effects of continuous prison life.
- c) To enable him to maintain and develop his self confidence.
- d) To enable him to develop constructive hope and active interest in life.

and considering these purposes only, the Hon'ble Apex Court has kept aside the Prison Rules for furlough and leave of Gujrath State, which are pari materia to the Maharashtra Rules of 2024.

7. Therefore, in the instant case there should not be any impediment to grant parole leave to the petitioner specially in the light of the observations in the aforesaid case.

8. It is not in dispute that earlier also the petitioner was released on furlough leave as per the following table, after the incident of his belated surrender.

Sr. No.	Furlough/Parole leave	Surrender
1.	Furlough leave 05.10.2022	On time
2.	Furlough leave 14.07.2023	On time
3.	Furlough leave 06.03.2024	On time
4.	Furlough leave 2025	On time

. It is clearly evident that on the aforesaid occasions the petitioner had surrendered in time. Under such circumstances and considering the aforesaid aspects, we are of the opinion that respondent Nos.2 and 3 have definitely committed error in passing the impugned orders by not considering the reason for parole leave in proper perspective and in the light of the observations of the Hon'ble Apex court as mentioned above. Further, the Co-ordinate Bench of this Court, vide order dated 19.08.2025 in Criminal Writ Petition No. 789 of 2025, while dealing with the similarly placed petitioner, has also directed the respondents to release the

then petitioner on furlough leave. Therefore, we pass the following order.

ORDER

- (i) Criminal Writ Petition is allowed partly.
- (ii) The impugned orders dated 25.09.2025 and 03.12.2025 passed by respondent Nos.2 and 3 respectively are hereby quashed and set aside.
- (iii) The respondents are directed to release the petitioner by imposing appropriate conditions and to pass the order accordingly within a period of one week from the communication of this order.
- (iv) Rule is made absolute in above terms.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE