



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

CRIMINAL WRIT PETITION NO. 211 OF 2026

Machindra Gulab Gaikwad

Petitioner

Versus

1. The State of Maharashtra
Through Superintendent,
Central Prison, Harsul,
Chhatrapati Sambhajanagar

2. D.I.G. Prisons, Central
Region, Chhatrapati
Sambhajanagar

Respondents

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Mr. Rupesh Jaiswal, Advocate for the petitioner.

Mr. V.M. Jaware, A.P.P. for the respondents.

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

DATED : 09.02.2026

Per Court :

1. Heard rival submissions.

2. By way of this writ petition, the petitioner is seeking extension of his parole leave for further period of 15 days.

3. The learned counsel for the petitioner vehemently argued that the petitioner is already granted parole leave vide order dated 16.01.2026 for 20 days, which is to be expired

today itself. According to him, after completing the formality, the petitioner was actually released from jail on 19.01.2026 and parole leave was specially granted for him to attend the marriage of his own daughter which was to be performed on 20.01.2026. Further, according to him, due to some scarcity of funds, unfortunately the marriage could not be solemnized on 20.01.2026, and therefore, now it is scheduled to be performed on 14.02.2026. He, therefore, seeks extension of his parole leave.

4 Per contra, learned A.P.P. placed on record the Maharashtra Prisons (Furlough and Parole) Rules, 2024 and by referring Rule 18 thereof, he submits that in any case the parole cannot be extended beyond the sanctioned period under any circumstances. In the alternative, he claimed that if the petitioner surrenders himself today itself, then his request for grant of further parole leave can be considered specially for attending marriage of his own daughter on 14.02.2026.

5. Admittedly, under Rule 18 of the aforesaid Rules, the parole leave cannot be extended further, However, it is equally important to note that the existing parole leave has been granted to him only for the purpose of attending the marriage of his daughter which could not be performed on the

given date i.e. 20.01.2026 due to some unforeseen circumstances. The learned counsel for the petitioner placed reliance on the order of this Court dated 29th April 2025 passed in Criminal Writ Petition No. 528 of 2025, wherein following observations is made.

“It will not be out of place to mention here that the learned APP submits that there are certain furlough leaves to the account of the convict and if he surrenders and makes fresh application, then that will be considered positively. We are of the view that the State cannot be inhuman in such cases. The convict has to survive and for that purpose it is stated that he has to undergo the bypass surgery. Now, the conditions cannot be put to the convict to surrender first and then apply. Therefore, we are specifically stating that this has been treated as an exceptional case by us, taking humanitarian ground in view of the circumstance and therefore, the Writ Petition stands allowed”.

On going through the aforesaid observation, it appears that the Co-ordinate Bench of this Court has taken a view on humanitarian ground in an exceptional case by extending the furlough leave.

6. The marriage ceremony of the daughter of petitioner is to be performed within a week and as per Rule 16

of the aforesaid Rules, regular parole can be granted upto 40 days by the concerned sanctioning authority. In the instant case, only 20 days parole leave is granted to the petitioner, and therefore, by applying the aforesaid observation, we are not inclined to ask the petitioner to surrender himself and pray for further parole leave. Instead of that, by applying the same analogy, the parole leave of the petitioner can be extended.

7. In such circumstances, the writ petition stands allowed and the parole leave of the petitioner stands extended by further period of 9 days from today i.e. till 18.02.2026. The respondents are directed to issue fresh order in respect of the aforesaid extension of parole leave of the petitioner in the line of earlier direction and the petitioner is exempted from surrendering himself to the prison authorities on today.

8. Writ petition is disposed of accordingly.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE