



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL WRIT PETITION NO. 404 OF 2026

Jaysingh Devappa Rathod And Others

VERSUS

The State Of Maharashtra And Others

...

Mr. Rupesh A. Jaiswal, Advocate for the Petitioner

Ms. A. S. Deshmukh, APP for Respondents/State

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CORAM : SANDIPKUMAR C. MORE AND

ABASAHEB D. SHINDE, JJ.

DATED : 27TH MARCH 2026

PER COURT :-

1. Heard.
2. By way of this petition the petitioners who are already granted furlough leave under the orders dated 02.02.2026 and 16.02.2026 are seeking direction to Respondents to release them without insisting for bail for the offence in Crime No.81/2026 registered with Police Station Pachod, Aurangabad Rural for the offence punishable under Sections 42 and 45(12) of the Prisons Act, 1894 and Section 223 of the Bhartiya Nyay Sanhit, 2023.
3. The learned APP opposed the application by filing communication dated 07.02.2026, wherein it is mentioned that in the aforesaid offence registered against the present petitioners, they are required to furnish bail.

4. Admittedly, the offence wherein Crime No.0081 of 2026 registered against the petitioners is non-cognizable and bailable and therefore unless a permission is sought by the Investigating Officer from the concerned Magistrate, further investigation of the offence cannot be carried out. Moreover, it appears that the petitioners had also filed application for furnishing bail before the concerned Magistrate i.e. JMFC, Paithan but the said Magistrate by observing that the offence being non-cognizable and bailable there cannot be any possibility of arrest and thus refused to grant bail being not necessary at all.

5. Be that as it may. The furlough leave to all these petitioners is already granted and the duration of the said order is going to expired on 02.04.2026. We are of the opinion that the present petition can be allowed since the oppose to this petition is only for furnishing the bail in the aforesaid Crime No. 81/2026 which is not required at all.

6. In view of the same, petition stands allowed in terms of prayer clause (A) and disposed of.

7. Parties to act upon authenticated copy of this order.

[ABASAHEB D. SHINDE, J.]

[SANDIPKUMAR C. MORE, J.]