



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL WRIT PETITION NO. 578 OF 2026

SK. CHANDPASHA SK BASHEER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Atharva Dilip Khedkar
AGP/APP for Respondent/State : Mrs.Chaitali Choudhari Kutti

...

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

DATE : 29.04.2026

PER COURT :

. At the request of learned counsel for the petitioner leave is granted to modify the name of the respondent No.3 as Deputy Inspector General of Prisons, Central Region, Nashik. The amendment to be carried out within a due course.

2. The petitioner is seeking direction to this modified respondent No.3 to decide the furlough leave application dated 15.01.2026 filed by the petitioner wherein, police verification is already done. He seeks transfer of this application to the modified respondent No.3 for disposal in accordance with law.

3. Learned APP on oral instructions, submits that the aforesaid application for furlough leave filed by the petitioner can be transferred to modified respondent No.3 for its disposal in accordance with law.

4. In view of the same, we dispose of this petition with a direction

to modified respondent No.3 to decide the furlough leave application dated 15.01.2026 filed by the petitioner on its own merits within a period of four weeks from the date of this order.

5. Further, it appears that the present petitioner is already an accused in Crime No.81 of 2026 registered with Pachod Police Station, District Chhatrapati Sambhajanagar under Section 42,45(12) of the Prison Act, 1894 and under Section 223 of Bhartiya Nyaya Sanhita, 2023 which is non-cognizable.

6. Admittedly, in non-cognizable cases, the Investigating Officer has to bring permission from the concerned Magistrate for further investigation.

7. Learned counsel for the petitioner further submits that the petitioner had also filed Bail Application with the concerned JMFC but it was rejected, as there was no prior permission.

8. As such, there can not be any impediment for granting furlough leave to the petitioner even if Crime No.81 of 2026 is registered against him.

(ABASAHEB D. SHINDE, J.)

(SANDIPKUMAR C. MORE, J.)

vsj..