

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 883 OF 2025

Dilip Premnarayan Tiwari

... Petitioner

Versus

The State of Maharashtra

... Respondent

.....
Ms. Neha Deshpande for the Petitioner.

Mr. A.A. Naik, APP for the Respondent - State.

.....
**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 22nd APRIL, 2026.

P. C. :

1. Challenge in this Writ Petition, which has been filed through Jail is to the action of the State Government in not releasing the Petitioner on furlough leave. Perusal of record shows that the Petitioner was granted Covid leave from 6th August 2020 to 26th May 2022 and he failed to surrender to the Jail Authorities within time. In fact, the Petitioner was arrested on 1st June 2023.

2. It is contention of Ms. Deshpande, learned counsel appointed to represent the interest of the Petitioner that his

father passed away on 10th February 2021 and there was nobody else to support the family and, therefore, the Petitioner was required to overstay. She also pointed out earlier conduct of the Petitioner. She states that the Petitioner was released on furlough leave on three occasions and on all three occasions, he surrendered to the Jail Authorities within time. In fact, on two occasions, the Petitioner surrendered to the Jail Authorities one day prior to the completion of the furlough leave period.

3. Ms. Deshpande, learned counsel appearing for the Petitioner also relied on the judgment of Division Bench of this Court in the case of **Sanjay Madhukar Waghade v. State of Maharashtra, through Deputy Inspector General (Prisons) and Anr.**¹ She submits that interpretation made of Rule 4(10) of the Prisons (Bombay Parole and Furlough) Rules, 1959 (for short “Rules of 1959”) as also in the case of **Satish Shankarrao Shinde v. The State of Maharashtra**² by the Division Bench of the Bombay High Court (Aurangabad Bench) as referred in the said decision of Sanjay Madhukar Waghade (supra), will also apply to the Maharashtra Prisons (Furlough and Parole) Rules, 2024.

1 2022 SCC OnLine Bom.1406

2 In Criminal Writ Petition No. 1535 of 2019

4. On the other hand, Mr. Naik, learned APP points out Rule 7 of the Maharashtra Prisoners Furlough and Parole Rules, 2024 and more particularly, sub-Rule (2) of Rule 7 and submits that as the overstay of the Petitioner was for 370 days and he was required to be arrested, he will get the benefit of furlough leave only after completion of 5 years of imprisonment after his arrest i.e. after 31st May 2028.

5. Stand over to **29th April, 2026** at 10.15 a.m.

[**PRAVIN S. PATIL, J.**]

[**MADHAV J. JAMDAR, J.**]