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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4682 OF 2026

Pankaj Nankhu Singh ..Petitioner
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Shubham Shingade for the Petitioner.
Ms. M. M. Deshmukh, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 13th OCTOBER 2026

PC :

1. The Petitioner has challenged two Orders: one Order dated 30th January 2025 passed by the Special Inspector General of Police (Prison), Nashik Division, Nashik and the Order dated 11th April 2025 passed by the Additional Director General of Police and Inspector General (Prison) and Correctional Services, Pune, Maharashtra. The first Order is confirmed by the second Order, which is passed by the Appellate Authority. As a result, the Petitioner's Application for furlough was rejected.

2. Heard, Mr. Shubham Shingade learned Counsel for the

Petitioner and Ms. M. M. Deshmukh, learned APP for the Respondent-State.

3. Learned Counsel for the Petitioner submitted that he had filed an Application for furlough on 5th September 2024, which was rejected by these two impugned Orders. In the meantime, vide Government notification dated 2nd December 2024, the prisoners who were convicted for the offences punishable under the MCOC Act were held ineligible for being released on furlough. He submitted that, since his Application was preferred earlier, he could not have been held ineligible retrospectively. Learned Counsel fairly submitted that earlier he had approached this Court for his release on furlough vide Writ Petition No. 3916 of 2025, but on that occasion it was withdrawn by the Petitioner. He submitted that there were no adverse observations made by the Court while permitting him to withdraw that Petition.

4. Learned APP submitted that the Furlough Application was rejected by the Authorities in January 2025 and April 2025.

Therefore, at this belated stage, present Writ Petition may not be entertained.

5. Learned Counsel for the Petitioner relied on the ratio laid down by different Division Benches of this Court holding that the notification dated 2nd December 2024 was prospective and the Application for Furlough made before that can be considered without applying the ineligibility criteria imposed by the notification dated 2nd December 2024. Learned Counsel relied on the following judgments :

(i) In the case of ***Arun Gulab Gawli Vs. Deputy Inspector General (Prisons) (East), Nagpur and Anr.,*** in Criminal Writ Petition No. 899 of 2024, before the Nagpur Bench of this Court, decided on 7th Janauary 2025.

(ii) In the case of ***Sanjay Pawar Vs. State of Maharashtra and Ors.,*** in Criminal Writ Petition No. 789 of 2025 decided on 19th August 2025 passed by the Aurangabad Bench of this Court.

(iii) Order dated 13th August 2026 passed in Criminal Writ Petition No. 6483 of 2025 in the case of ***Ganesh Baliram Desai Vs.***

Deputy Inspector General of Prisons, Nashik And Ors.

He submitted that all these three judgments have taken a view that the circular dated 2nd December 2024 would not operate against the prisoners who had made application before that date. The applicability of the notification/circular dated 2nd December 2024 is prospective in nature and is not applicable to the applications pending on that date.

6. The observations of different Division Benches in these judgments are squarely applicable to the present facts of the case. In this case, the Application was made on 5th September 2024. It was decided by the first authority on 30th January 2025 and after that by the Appellate Authority on 11th April 2025. The Orders referred to the reason regarding ineligibility of the Applicant to be released on furlough leave because he was convicted for commission of offences punishable under the MCOC Act.

7. In view of the above, view taken by different Division Benches, and since the Application was made in September 2024 i.e. before 2nd December 2024, the ineligibility criteria will not

operate against the Application. Therefore, the Petition deserves to succeed.

8. The Petition is allowed in terms of prayer clause (a) which reads as follows :

> *a. That this Hon'ble Court may be pleased to Quash and Set Aside the vide order dated 11.04.2025 passed by the Additional Director General of Police and Inspector General of Prison and Correctional Services, Pune, Maharashtra and vide order dated 30.01.2025 passed by The Special Inspector General of Police (Prison), Nashik Division, Nashik.*

9. The Authorities shall impose suitable stringent conditions on the Petitioner for granting him furlough for a period of 28 days.

10. The Petition is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)