



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 223 OF 2026

(Shri Arvind Abhilash Singh

Vs.

Additional Director General of Police and Inspector General of Prisons
and Correctional Services, Maharashtra State, Puni-1 & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Raju Kadu, Advocate for the Petitioner.
Ms N.R. Tripathi, APP for the Respondents/State.

CORAM: URMILA JOSHI-PHALKE AND
NIVEDITA P. MEHTA, JJ.

DATED : 18th APRIL, 2026

1. By this Writ Petition, the Petitioner has challenged the order passed by the Respondent Nos. 1 and 2 who have rejected the Application filed by the Petitioner seeking furlough on the ground that he has been convicted for life till remainder of his life.

2. Learned APP submitted that, in view of Rule 4(2) (f) of the Maharashtra Prisons (Furlough and Parole) Rules, 2024 which deals with the category that the prisoners who shall not be eligible for furlough, which is reproduced as under:

“4(2)(f) prisoners who are convicted for offences related to terrorism, mutiny against State, kidnapping for ransom.”

3. It is submitted by learned APP that, these rules were amended by the State of Maharashtra in exercise of powers conferred by clauses (5) and (28) of Section 59 of the Prisons Act, 1894, in its application to the State of Maharashtra, and of all other powers enabling it in that behalf and in supersession of the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, the Government of Maharashtra hereby makes the following rules and thereby the rules were amended. Thus, learned APP submitted that, in view of the amended rules, the Petitioner is not entitled for such relief.

4. On the contrary, learned Counsel for the Petitioner placed reliance on the decision of the Hon'ble Apex Court in the case of *Atbir Vs. State (NCT of Delhi)*, (2022) 13 SCC 96, and submitted that in view of the observation of the Hon'ble Apex Court, here also the good conduct of the present Petitioner is apparent from various certificates issued to him, which are already filed on record. The relevant certificate issued to him by Indira Gandhi National Open University and the another certificate issued under Gandhi Vichar Sanskar Pariksha and various certificates shows the good conduct of the present Petitioner. The order passed by the Authorities nowhere discloses any adverse regarding his conduct.

5. The Hon'ble Apex Court in para 31 has observed by referring the various earlier decisions, which reads as under:

“31.In other words, even if the appellant is to remain in prison for the whole of remainder of his life, the

expectations from him of good conduct in jail would always remain; and the lawful consequences of good conduct, including that of furlough, cannot be denied, particularly when the same has not been prohibited in the order dated 15.11.2012. We need not elaborate to say that depriving of even the concession of furlough and thereby taking away an incentive/motivation for good conduct would not only be counter-productive but would be an antithesis to the reformatory approach otherwise running through the scheme of Rules of 2018.”

6. It is further observed by the Hon’ble Apex Court in para 33, which reads as under:

“33. Thus, looking to the concept of furlough and the reasons for extending this concession to a prisoner lead us to hold that even if a prisoner like the appellant is not to get any remission in his sentence and has to serve the sentence of imprisonment throughout his natural life, neither the requirements of his maintaining good conduct are whittled down nor the reformatory approach and incentive for good conduct cease to exist in his relation. Thus, if he maintains good conduct, furlough cannot be denied as a matter of course.”

7. Thus, the Hon’ble Apex Court has held that the benefit of good conduct should be extended to the convicts imposed with sentence of imprisonment throughout his natural life.

8. This aspect is also considered by this Court in Criminal Writ Petition No.964/2025 decided on 03.12.2025.

9. The Petitioner has applied for furlough leave on the ground that he want to spend quality time with his family members and to meet his family members. It is further

contended by the learned Counsel for the Petitioner that, considering his good conduct, his certificates and the reasons given, the said benefit be given to him.

10. Thus, it appears that, the Respondents will reconsider the request made by the Petitioner.

11. Accordingly, we **dispose** of the Writ Petition with a direction to reconsider the request of the Petitioner, in terms of the judgment cited above, within a period of four weeks from today.

12. Pending application/s, if any, shall stand disposed of accordingly.

(NIVEDITA P. MEHTA, J.)

(URMILA JOSHI-PHALKE, J.)