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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 28 OF 2015

Suresh Minz
Convict prisoner no. 07/07
Presently undergoing punishment
in Central Jail, Aguada, Goa. ... Petitioner

V e r s u s

1. The Inspector General of Prisons,
Government of Goa,
Office of Inspector General of Prisons,
Collectorate North Goa,
Panaji Goa
2. P.P. High Court. ... Respondents

Mr. T. George John, Advocate for the petitioner.

Mr. M. Amonkar, Addl. Public Prosecutor for the respondents.

**Coram:- F. M. REIS &
K. L. WADANE, JJ**

Date :- 30th March, 2015

ORAL JUDGMENT (Per F. M. Reis , J)

Heard Mr. T. George John, learned counsel appearing
for the petitioner and Mr. M. Amonkar, learned Addl. Public
Prosecutor appearing for the respondents.

2. Rule. Heard forthwith with the consent of the learned
counsel.

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3. The learned counsel appearing for the respondents waives service.

4. Upon hearing the learned counsel appearing for the respective parties and taking note of the impugned order dated 26.12.2014 inter-alia releasing the petitioner on furlough, the only grievance of the petitioner is with regard to the condition no.1 to execute a personal bond of Rs.1,00,000/- and one surety of like amount giving cash or otherwise.

5. Mr. T. George John, learned counsel appearing for the petitioner points out that on the earlier occasion the petitioner had in fact proceeded on furlough and complied with all the terms and conditions imposed on the petitioner. The fact that the petitioner had returned after complying the terms of furlough imposed earlier are not disputed by the respondents herein. But however, Mr. Amonkar, learned counsel appearing for the respondents has pointed out that on the earlier occasion the petitioner has in fact executed a personal bond of Rs.1,00,000/-.

6. Mr. T. George John, learned counsel appearing for the petitioner pointed out that on the earlier occasion such amount was arranged through N.G.O. which the petitioner is not in a

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position to obtain now. In such circumstances, in the peculiar facts and circumstances of the case and taking note of the fact that the petitioner is not a resident of State of Goa and it is pointed out that the petitioner has also substantially served the sentence, we find that the condition to execute a personal bond of Rs.1,00,000/- can be modified and the petitioner should also be directed to furnish a local surety besides the surety referred to in the order.

7. In the facts and circumstances of the case, we reduce the amount of personal bond referred to at clause 1 of the impugned order dated 26.12.2014 from Rs.1,00,000/- to Rs.20,000/- and besides surety referred to therein, the petitioner shall furnish an additional local surety of like amount.

8. Except the said modification, all other conditions imposed in the impugned order dated 26.12.2014 shall stand continue to be in operation.

9. In view of the above, I pass the following :

O R D E R

(i) The personal bond to be executed by the petitioner in terms of clause (1) of the impugned

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order dated 26.12.2014 stands modified from Rs.1,00,000/- to Rs.20,000/- and two sureties, one of which would be local surety of like amount.

(ii) All other conditions shall continue to be in operation.

(iii) Rule is made absolute in above terms.

(iv) The petition stands disposed of accordingly.

K. L. WADANE, J

F. M. REIS, J

at*