

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 38/2015**

Mohammed Adil,
Convict Prisoner No.14/07,
currently in custody at
Central Jail, Aguada,
Aguada, Bardez, Goa.

..... Petitioner.

V/s.

Inspector General of Prisons,
Government of Goa,
Office of the I.G. Prisons,
Collectorate North, Panaji, Goa.

..... Respondent.

Shri Ryan Da Piedade Menezes, Advocate for the petitioner.

Shri Mahesh Amonkar, Additional Public Prosecutor for the respondent.

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

Date : - 6th April, 2015.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Shri Ryan Menezes, learned Counsel appearing for the petitioner and Shri Mahesh Amonkar, learned Additional Public Prosecutor appearing for the respondent.

2. Rule. Heard forthwith, with the consent of the learned Counsel. Learned Additional Public Prosecutor waives service.

3. The only grievance raised by the petitioner challenging the order dated 9th December, 2014, passed by the respondent while granting furlough to the petitioner for a period of 28 days, is the condition No.1 to the effect that the petitioner has to furnish a personal bond in Form II for a sum of Rs.1,00,000/- and produce one surety in the like amount, giving cash or otherwise.

4. Shri Ryan Menezes, learned Counsel appearing for the petitioner points out that the petitioner because of his financial condition, is not in a position to furnish a security in the sum of Rs.1,00,000/-. The learned Counsel further submits that the petitioner's father is only a plumber by profession, carrying out some odd jobs in Uttar Pradesh and, as such, according to him, there is no possibility of the petitioner signing a bond of Rs.1,00,000/- nor furnishing security to that sum. The learned Counsel, as such, points out that in the peculiar facts of the case, the amount be accordingly reduced.

5. On the other hand, Shri Mahesh Amonkar, learned

Additional Public Prosecutor points out that the petitioner is not from State of Goa and as such, enough safeguards are to be imposed to ensure that the petitioner would return on expiry of the period of furlough and serve the remaining sentence. The learned Additional Public Prosecutor further submits that in a similar case, this Court has modified the term directing bond to Rs.25,000/- with two sureties of the same amount, one of them being a local surety. The learned Additional Public Prosecutor as such, submits that unless proper safeguards are imposed, the question of interfering with the impugned order would not arise.

6. We have considered the submissions of the learned Counsel and we have gone through the record. Considering the condition of the petitioner, as has been pointed out by Shri Menezes, learned Counsel appearing for the petitioner, we find it appropriate to modify the condition No.1, by directing the petitioner to execute a personal bond of Rs.25,000/- and furnish a local surety for the like amount, besides one additional surety for a sum of Rs.10,000/- to the satisfaction of the concerned Authority.

7. In view of the above, we pass the following Order :

(I) The condition No. 1 in the impugned order dated 9th December, 2014 stands modified and the petitioner shall execute a personal bond in Form II for a sum of Rs.25,000/-, instead of sum of Rs.1,00,000/- and furnish a local surety for the said sum of Rs.25,000/-, besides an additional surety for a sum of Rs.10,000/- to the satisfaction of the concerned Authority.

(II) All the other conditions in the impugned order shall continue to remain in force.

Rule is made absolute accordingly.

C.C. expedited.

K.L. WADANE, J.

F.M. REIS, J.

ssm.