

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 79 OF 2015

Mariano D'Silva (Prisoner No. 18/09)
major of age, currently held at the
Central Jail at Aguada, Candolim Goa. Petitioner

V e r s u s

1. State of Goa,
through the Chief Secretary of Home Dept.,
Alto, Porvorim, Bardez Goa.
2. The Inspector General of Prisons,
Collectorate, North Goa,
Panaji Goa.
3. The Superintendent of Prisons,
Central Jail, Aguada. ... Respondents

Ms. Prema Matkar, Advocate for the petitioner.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the respondents.

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

Date :- 20th July, 2015

ORAL JUDGMENT (Per K. L. Wadane, J)

Heard Ms. Prema Matkar, learned counsel appearing for the petitioner and Mr. Mahesh Amonkar, learned Additional Public Prosecutor appearing for the respondents.

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

3. Mr. M. Amonkar, learned Additional Public Prosecutor waives service on behalf of the respondents.

4. The petitioner is undergoing a life imprisonment in the Central Jail at Aguada, has applied to release him on furlough for a period of 28 days.

5. The respondent no.2 granted the application of the petitioner by imposing conditions that the petitioner should execute a personal bond in Form II for Rs.1,00,000/- and produce two sureties in the like amount giving cash or otherwise. According to the petitioner, he is unable to furnish such surety as it is beyond his control. Putting condition of furnishing a personal bond of huge amount is literally a denial of concession.

6. The learned Additional Public Prosecutor has no objection to reduce such amount to the extent of Rs.25,000/-. Hence, the petition is allowed. The condition of furnishing personal bond of Rs.1,00,000/- referred to at clause no.1 of the impugned order dated 22.04.2015 is reduced to the extent of Rs.25,000/-.

7. With the above modification, the petition is disposed of accordingly. Rule is made absolute in above terms.

K. L. WADANE, J

F. M. REIS, J

at*