

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.152 OF 2015

Maqbool Ahamed Banglore,
Aged adult, Convict Prisoner
no.771/05, Presently was
undergoing punishment in
Central Jail, Aguada and at
present shifted to Central Jail
Colvale, Goa.

.. Petitioner

Versus

1. The Inspector General of Prisons,
Government of Goa
Office of Inspector General of Prisons,
Collectorate-North Goa
Panaji, Goa.

2. PP High Court .. Respondents

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

Mr. P. Faldessai, Additional Government Advocate for the
respondent no.1.

Mr. S. R. Rivankar, Public Prosecutor for the respondent no.2.

CORAM :- F. M. REIS, &
C. V. BHADANG, JJ.

DATE : 8th December, 2015

ORAL JUDGMENT : (Per C. V. Bhadang J.)

Rule. Rule, made returnable forthwith. The learned
Public Prosecutor waives service. Heard finally, with the consent of
the parties.

2. The petitioner is challenging the order refusing to release him on furlough on the ground of an adverse police report from the Commissioner of Police, Hubli, Dharwad. A Communication dated 04/11/2015 is annexed to the reply of the respondents, which shows that the Commissioner of Police, Hubli, Dharwad has given report against the petitioner that, if released, the petitioner may indulge into crime against the relatives of his deceased wife. It is submitted on behalf of the petitioner that there is no basis or material available to suggest that the petitioner would indulge into any offence against the relatives of his deceased wife.

3. It is submitted that there is no material to show that the liberty was misused. It is submitted that the petitioner is a resident of Hubli, Dharwad, Karnataka, while the relatives of his deceased wife, are staying at Goa. It is submitted that the petitioner is ready to give appropriate bond and security and shall abide by any other conditions, that may be imposed, while releasing the petitioner on furlough.

4. It is submitted by the learned Public Prosecutor that considering the adverse report from the police at Dharwad, the order dated 04/11/2015 be maintained.

5. On hearing the learned Counsel for the parties, we find that in the absence of any material to suggest that the petitioner had misused his liberty earlier or there are any other circumstances, indicating thereat, the claim for furlough, cannot be refused only on the ground that the petitioner may indulge into such crimes. It is trite that any such finding or reason has to be recorded on the basis of objective circumstances, supported by acceptable material, which is not forthcoming in this case. We, thus, find that the petition has to succeed. Hence, the following order is passed :

ORDER

(i) The petitioner shall be released on furlough as per rules, on condition of execution of a Personal Bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.

(ii) The petitioner shall furnish his permanent address, where he will be staying during the period of furlough at Hubli, Dharwad, Karnataka and shall attend the nearest Police Station, once in a week.

(iii) The petitioner shall not indulge into any offence or interfere with the relatives of his deceased wife and

shall surrender on expiry of the period of furlough.

(iv) Rule is made absolute, in the aforesaid terms.

SMA C. V. BHADANG, J.

F. M. REIS, J.