

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.151 OF 2015

1. Nagesh Gaokar Convict
prisoner no.173/5
Presently undergoing punishment
in Modern Central Jail Covale,
Goa. .. Petitioner

Versus

1. Inspector General of Prisons,
Government of Goa
Office of Inspector General of Prisons
Collectorate-North Goa
2. PP High Court .. Respondents

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

Mr. P. Faldessai, Additional Public Prosecutor for the respondents
no. 1 and 2.

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

DATE : 26th November, 2015

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

Rule, made returnable forthwith. Heard finally by
consent of the parties.

2. The challenge in this petition is to the part of the order
dated 14/08/2015, passed by the respondent no.1 under the Goa

Prison Rules, 2006, whereby while granting an application for release of the petitioner on furlough, the petitioner has been directed to furnish a personal bond in the sum of Rs.1,00,000/-, with one surety in the like amount. The petitioner is aggrieved by the amount of bond fixed.

3. It is submitted that the petitioner, who is undergoing sentence in the prison and has no means to furnish the bond of such an exorbitant amount, which has the effect of denial of furlough. It is submitted that the petitioner is a resident of Canacona Taluka.

4. The learned Additional Public Prosecutor submitted that having regard to the facts and circumstances of the case, appropriate orders be passed.

5. Having heard the learned Counsel for the parties and having perused the impugned order, the following order is passed :

ORDER

(i) The impugned order is modified to the extent that the petitioner shall be released on furlough on executing a personal bond in the sum of Rs.10,000/-, with one surety in the like amount, being cash or

otherwise.

(ii) Rest of the conditions of the order would stand as they are.

(iii) Rule is made absolute in the aforesaid terms.

SMA

C. V. BHADANG, J.

F. M. REIS, J.