

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 159 OF 2015

Fatima Fernandes (Prisoner No.03/13),
major of age, currently lodged at
the Sub Jail Sada at Vasco, Goa.

... Petitioner

Versus

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,
Sub Jail Sada,
Vasco.

... Respondents

Mr. Anoop A. Gaonkar, Advocate under Legal Aid for the
Petitioner.

Mrs. Milena Pinto, Additional Public Prosecutor for the
Respondents.

Coram : F.M. REIS &
C.V. BHADANG JJ.

Date : 7th December, 2015.

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

Rule. Rule made returnable forthwith. The learned Additional Public Prosecutor waives service for the respondents. Heard finally, by consent of the parties.

2. By this petition, the petitioner is challenging the part of the order dated 07.10.2015, passed by the respondent no. 2, directing execution of bond in the sum of Rs.1,00,000/-, for release of the petitioner on furlough. It is contended that the amount is exorbitant and has the effect of denial of furlough as the petitioner, being a prisoner has no means to execute a bond of Rs.1,00,000/-.

3. We have heard Mr. Gaonkar, the learned Counsel for the petitioner and Ms. Pinto, the learned Additional Public Prosecutor for the respondents.

4. It is trite that the amount of bond has to be fixed having regard to the circumstances of the case and the amount

should not be such, which would effect in denial of the right to be released on furlough. Undisputedly, the petitioner is a local resident and there are no allegations of misuse of the liberty, when the petitioner may have been released earlier on furlough or parole.

5. Having regard to the circumstances, the following order is passed:

(a) The part of the impugned order fixing the amount of bond to Rs.1,00,000/- is modified.

(b) The petitioner shall furnish the bond in the sum of Rs.10,000/- alongwith one surety in like amount, giving cash or otherwise.

(c) The rest of the conditions of the release would stand as they are.

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

C.V. BHADANG, J.

F.M. REIS, J.

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