

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.165 OF 2015

Vinesh Fal Desai,
Convict prisoner no.175/15
Presently undergoing punishment
in Modern Central Jail,
Colvale, Goa. .. Petitioner

Versus

1. Superintendent of Colvale Jail,
Office of Inspector General of Prisons,
Collectorate-North Goa
Panaji, Goa.
2. PP High Court .. Respondents

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

Ms. M. Pinto, Additional Public Prosecutor for the respondents.

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

DATE : 10th December, 2015

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

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

2. By this petition, the petitioner is seeking reduction of the amount of bond from Rs.1,00,000/- to Rs.10,000/-.

3. The petitioner, who is a convict, undergoing sentence in Central Jail, Colvale, had applied for release on furlough. By an order dated 08/12/2015, the petitioner was directed to be released on furlough, on conditions, including execution of a bond in the sum of Rs.1,00,000/-.

4. It is submitted that the amount is exorbitant and the petitioner being in prison, is having no means to furnish the same.

5. The learned Additional Public Prosecutor has submitted that appropriate orders be passed.

6. Having considered the circumstances and the submissions made, we find that the amount of bond has to be commensurate with the object of ensuring the compliance by the petitioner/ prisoner with the conditions of release on furlough and to ensure that he surrenders back on completion of the furlough period. The bond should not be such so as to amount to denial of furlough. In that view of the matter, following order is passed :

ORDER

- (i) The petition is allowed.
- (ii) The amount of bond to be executed is reduced

to Rs.10,000/-.

(iii) The petitioner shall be released on furlough on condition of execution of the bond for Rs.10,000/-, with one surety in the like amount or giving cash security.

(iv) Rest of the conditions of the order shall remain as they are.

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

SMA

C. V. BHADANG, J.

F. M. REIS, J.