

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.176 OF 2015

Agnelo D'Costa,
(Prisoner No.132/14)
major of age, currently
lodged at the Central Jail
at Colvale, Goa

.. Petitioner

Versus

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

Mr. Anoop Gaonkar, Advocate for the petitioner.

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

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

DATE : 16th December, 2015

ORAL 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. The challenge in this petition is to the part of the order dated 24/09/2015, passed by the respondent no.2 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, 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 Old Goa.

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.