

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.21 OF 2016.

Manisha Naik Dessai (Prisoner No.06/13), major of age, currently lodged at the Sub Jail Sada at Vasco, Goa.

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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.

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Respondents.

Mr. A. Gaonkar, Advocate for the petitioner.

Mr. P. Faldessai, Additional Public Prosecutor for the respondents.

**Coram:-F. M. REIS,
K. L. WADANE, JJ.**

Date:-15th February, 2016.

ORAL JUDGMENT (Per K. L. Wadane, J.

Heard Mr. A. Gaonkar, learned Advocate for the petitioner and Mr. P. Faldessai, learned Additional Public Prosecutor for the respondents.

2. Rule.

3. Heard forthwith with the consent of the learned counsel appearing for the respective parties. Mr. Faldessai, learned Additional Public Prosecutor waives notice on behalf of the respondents.

4. This is petition filed by the petitioner challenging the condition imposed by the respondent no.2 while granting his application for furlough.

5. The respondent no. 2 granted the application of the petitioner by imposing certain conditions and one of the condition was that the petitioner should execute a personal bond in form II for Rs.1,00,000/-(Rupees one lakh only) and produce one surety in the like amount giving cash or otherwise.

6. The petitioner is currently undergoing rigorous life imprisonment under Section 109 of the IPC and Section 8(2) of the Goa Children's Act, 2003. According to the learned Counsel appearing for the petitioner imposing condition of harsh security amounts to virtually denying of the reliefs because from the record it is seen that though the respondent no. 2 granted furlough leave to the petitioner on 15.1.2016 still the petitioner was unable to furnish the surety as ordered by the respondent no. 2. This itself suggest that amount of surety ordered by the respondent no. 2 is beyond the control of the petitioner or her relatives. According to the learned counsel appearing for the petitioner, due to inability to furnish security of Rs.1,00,000/-

(Rupees One Lakh only), the petitioner is unable to avail the facility of furlough and therefore, She prayed to reduce such amount to the extent of Rs.10,000/-.

7. Mr. Faldessai, learned Additional Public Prosecution has no objection, hence the petitioner shall execute a personal bond in form II for Rs.25,000/-(Rupees twenty five thousand only) and produce one surety in the like amount giving cash or otherwise. Rest of the conditions imposed by the respondent no. 2 are maintained.

8. Rule is made absolute in the above terms.

9. Petition stands disposed of.

K. L. WADANE,J.

F. M. REIS,J.

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