

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 97/2016

Shamsundar Anchan Convict Prisoner no.227/16
presently undergoing punishment
in Modern Central Jail Covale, Goa.

Petitioner

Versus

1.The Inspector General of Prisons,
Government of Goa
Office of Inspector General of Prisons,
Collectorte-North Goa,
Panaji, Goa.

2. PP High Court

Respondents.

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Shri T. George John, Advocate for the petitioner.
Shri Pravin Faldessai, Additional Public Prosecutor for the
respondents.

CORAM : F.M.REIS & NUTAN D. SARDESSAI, JJ
DATED : 13/07/2016.

ORAL JUDGMENT: (Per Nutan D. Sardessai, J)

1] Heard Shri T. George John, learned Advocate for the
petitioner and Shri Pravin Faldessai, learned Additional Public
Prosecutor for the respondents.

2] Rule.

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

4] This is a petition filed by the petitioner challenging the condition imposed by the respondent no.1 while granting his application for his release on furlough dated 25.5.2016. The respondent no.1 granted the application of the petitioner imposing several conditions and one of the conditions was that he should execute a personal bond in Form II for ₹1,00,000/- and produce one surety in the like amount giving cash or otherwise.

5] The petitioner is undergoing imprisonment for the offence punishable under Section 302 IPC. It was the contention of Shri T. John, learned Advocate for the petitioner that imposing the condition of harsh surety amounts to virtually denying the reliefs of releasing the petitioner on furlough inasmuch as despite the order dated 25.5.2016, he was unable to furnish the surety as ordered by the respondent no.1. It was suggestive of the fact that furnishing of such surety was beyond the means of the petitioner and/or his relatives. It was further contended on behalf of the petitioner that due to non-furnishing of the surety as ordered by the respondent no.1, the petitioner could not avail the facility of furlough and therefore, prayed for a reduction in the amount of the surety to the extent of ₹10,000/-.

6] Shri Faldessai, learned Additional Public Prosecutor on behalf of the respondents submitted that there was no likelihood

of abscondance of the petitioner. In the circumstances, therefore, furnishing of security to the extent of ₹10,000/- is allowed and the petitioner shall execute a personal bond in the prescribed form in the amount of ₹10,000/- and furnish one surety in the like amount in cash or otherwise with the remaining conditions imposed by the respondent no.1 remaining unaltered.

7] Rule is made absolute in the above terms.

8] The petition stands disposed off accordingly.

N.D.SARDESSAI, J

F.M. REIS, J

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