

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 16 OF 2017

KHALIL KURSHI, PRESENTLY AT
CENTRAL JAIL COLVALE.,

... Petitioner

Versus

STATE OF GOA, THR. THE I.G. PRISON
AND ANR.,

... Respondents

Shri T. George John, Advocate for the petitioner.
Shri P. Faldessai, Addl. Public Prosecutor for the respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 17th January, 2017

P.C.:

The petitioner had challenged the order dated 7.12.2016 pursuant to which the Inspector General of Prisons had rejected the application filed by the petitioner to be released on furlough for a period of 28 days. The reason for rejection of the application is an adverse report filed by the police. The only ground for the adverse report is an apprehension that in case the petitioner, is released on furlough, there is every possibility of threatening and causing harm to the witnesses.

2. Shri T. George John, the learned Counsel for the petitioner submits that the petitioner had been previously released on furlough and had duly reported back to the Inspector General of Prisons, on expiry of the period of furlough. Therefore, apparently there is no substance in the bald apprehension stated

in the report of the police. However, considering the fact that there is an adverse report and the gravity of the offences, in respect of which the petitioner has been convicted, we are inclined to allow the petition, by imposing a condition that while on furlough, he shall make no contact whatsoever with the witnesses, who had deposed against him during the prosecution of the cases. With this condition, the petitioner be released on furlough for the period of 28 days on the execution of a Personal Bond in the sum of Rs.10,000/- (Rupees ten thousand only) with one surety in the like amount and on usual conditions.

3. The petition is accordingly disposed off.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.