

**IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL WRIT PETITION NO. 37 OF 2017**

Mr. Prakash Gawas,  
Prisoner No. 196/15,  
S/o Baburao Gawas,  
aged 37 years,  
R/o H.No.10, Gaonkarwada,  
Van, Bicholim Goa.  
Presently lodged at Modern Central Jail,  
Colvale, Bardez Goa. ... Petitioner

Versus

1. State of Goa,  
Through the Chief Secretary,  
Secretariat,  
Porvorim Goa.
2. Inspector General of Prisons,  
Office of the Inspectorate General of Prisons,  
1<sup>st</sup> Floor, Old Education Building,  
18<sup>th</sup> June Road, Panaji Goa.
3. The Superintendent,  
Modern Central Jail,  
Colvale, Bardez Goa. ... Respondents

Mr. Salil Satish Saudagar, Advocate for the petitioner under Legal Aid Scheme.

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

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

**Date:- 15th February, 2017**

**ORAL JUDGMENT ( Per F. M. Reis, J )**

Heard Mr. S. Saudagar, learned counsel appearing for the petitioner and Mr. P. Faldessai, learned Addl. Public Prosecutor appearing for the respondents.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned Addl. Public Prosecutor appearing for the respondents waives service.

4. The challenge in the above petition is limited only to the conditions imposed by the Inspectorate General of Prisons, Panaji in the order dated 06.10.2016 while releasing the petitioner on furlough for a period of 21 days. It is contended by the learned

counsel appearing for the petitioner that the petitioner has to execute a personal bond of Rs.1,00,000/- and produce one surety of the like amount giving cash or otherwise. It is pointed out that the petitioner has no means to furnish the personal bond of such amount as according to him the petitioner has no regular income as he is in custody. It is further pointed out that in such circumstances, the amount of Rs.1,00,000/- fixed in the impugned order is exorbitant, unjustified and deserves to be reduced. It is also pointed out that the petitioner cannot get a surety for such amount. The learned counsel also submits that on account of such condition, the petitioner is deprived of availing a furlough which he is entitled in law. It is further pointed out that in similar cases, such amount has been reduced to Rs.10,000/-.

5. The learned Addl. Public Prosecutor appearing for the respondents submits that the amount is fixed in terms of the Manual and in the peculiar facts and circumstances of the case, this Court has reduced such amount after considering the factual position.

6. We have considered the submissions of the learned counsel and we have also gone through the records. It is not in dispute that this Court in similar situation has reduced the amount of personal bond from Rs.1,00,000/- to Rs.10,000/-. Considering the certificate of income of the surety produced on record, we find that in the peculiar facts and circumstances of the case as the respondents have failed to produce any material to dispute the contentions raised in the petition, the personal bond referred to in clause (1) of the said order is reduced from Rs.1,00,000/- to Rs.10,000/-.

7. In view of the above, we pass the following :

### **ORDER**

(i) The clause (1) in the order dated 06.10.2016 stands modified and the personal bond in Form II for Rs.1,00,000/- is reduced to the personal bond in Form II for Rs.10,000/-.

(ii) All other conditions in the order shall continue to be in operation.

(iii) Rule is made absolute in the above terms.

(iv) The petition stands disposed of accordingly.

**NUTAN D. SARDESSAI, J.**

**F. M. REIS, J.**

**at\***