

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO.63 OF 2017

Raghuvir Sharma
Prisoner No.129/14,
Presently serving sentence at
Central Jail Colvale, Goa

... Petitioner

Versus

1. State of Goa,
Through The IG Prison,
Old Director of Education Building,
Panaji, Goa.

2. PP High Court, Panaji, Goa.

... Respondents

Shri T. George John, Advocate for the petitioner.

Shri S. R. Rivankar, Public Prosecutor for the respondents.

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

DATE : 5th April, 2017.

ORAL JUDGMENT : (Per **NUTAN D. SARDESSAI, J.**)

Rule. Rule made returnable forthwith. The learned Public Prosecutor waives service for the respondents. Heard finally by consent of the parties.

2. By this petition, the petitioner is challenging the order dated 20/02/2017 passed by the Inspector General of Prisons, Panaji, Goa to the extent of imposition of the condition of execution of a Personal Bond in Form II for ₹1,00,000/- and produce one surety in

the like amount giving cash or otherwise, for releasing the petitioner on furlough for a period of 14 days.

3. Shri T. George John, learned Advocate for the petitioner contended that the petitioner was convicted for the offence punishable under Section 377 I.P.C. He had applied for furlough by an application dated 14/10/2016 which was granted for a period of 14 days by an order dated 05/01/2017 requiring him to execute a personal bond in the prescribed Form II for ₹1,00,000/- and one surety in the like amount giving cash or otherwise. He had not availed parole nor furlough on a single occasion and was in continuous confinement to prison for the last three years. His behaviour was good and his conduct was exemplary and there were no adverse complaints against him. He was therefore entitled to the benefit of furlough and as the respondents had imposed harsh conditions for his release on furlough which stood defeated on account of his incapacity to abide by the said conditions.

4. Shri S. R. Rivankar, learned Public Prosecutor fairly conceded that the amount fixed by the respondent no.1 could be reduced so that the petitioner could comply with the conditions of furlough and seek his release appropriately.

5. We have considered the contentions and in the

circumstances hold that the imposition of the condition of execution of Personal Bond in the amount of ₹1,00,000/- is excessive with one surety in the like amount. We are therefore allowing the petition directing the respondent no.1 to release the petitioner on furlough on the reduced personal bond / surety bond of ₹25,000/-. Rest of the conditions in the order are maintained.

6. The petition is disposed off in the aforesaid terms. Rule is made absolute accordingly with no order as to costs.

NUTAN D. SARDESSAI,J.

F. M. REIS,J.

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