

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO.136 of 2017**

1. Jayanti Gawas (Lady Prisoner No.15/15)
major of age, currently lodged at the
Modern Jail, Colvale.

2. Anandi Gawas (Lady Prisoner No.14/15)
major of age, currently lodged at the
Modern Jail, Colvale

... Petitioners

V e r s u s

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,
Modern Jail, Colvale,

.... Respondents

All the above addresses are registered addressees

Shri Anoop A. Gaonkar, Advocate under legal aid for the Petitioner.

Shri Pravin Faldessai, Additional Public Prosecutor for the Respondents.

**CORAM: C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, J J.**

DATE: 3RD AUGUST, 2017.

ORAL JUDGMENT (PER C. V. BHANDANG, J.):

Rule, made returnable forthwith. The learned Additional Public

Prosecutor waive service for the respondent. Heard finally by consent of parties.

2. The petitioners are aggrieved by the part of the orders dated 11/8/2016 and 19/8/2016, by which, the respondent no.1 has imposed a condition of furnishing a bond in the sum of Rs.1.00 lakh for releasing the petitioners on furlough. The learned counsel for the petitioners has pointed out the orders passed by this Court in the case of **Shri Vincy Pereira Vs. State of Goa and anr. (Criminal Writ Petition No. 41 of 2011)** dated **15/6/2011** and in the case of **Fatima Fernandes (Prisoner No.3/2013) Vs. State of Goa anr. others)** Criminal Writ Petition No.159 of 2014 decided on 7/12/2015, in order to submit that in several such cases this Court has reduced the amount of bond appropriately. It is submitted that the petitioners are local residents and the circumstances do not require imposition of bond amount of Rs.1.00 lakh which would have the result of denial of furlough, which is otherwise a right. In so far as the delay in filing the writ petition is concerned, the learned counsel for the petitioners states that he is appearing on legal aid for the petitioners. He submits that the petitioners and the other family members being in jail are at a clear disadvantage.

3. On hearing the learned counsel for the parties and on perusal of

the judgment and orders on which reliance is placed, we find that in several such cases this Court has reduced the amount of the bond. The petitioners are local residents and there are no allegations about the possible misuse of liberty if they are released on furlough. It is evident that the amount of bond should be consistent with the facts and circumstances of the case and should not be such as would result in denial of furlough. In the result the petition is allowed. The amount of bond is reduced to Rs.10,000/- (Rupees ten thousand only). The remaining conditions of the release as imposed in the impugned orders are hereby maintained.

PRITHVIRAJ K. CHAVAN, J

C. V. BHADANG, J.

Ap/