

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 109 OF 2018

Subhash Usgaonkar,
46 years of age, Prisoner No.254/16, Presently
serving sentence at Modern Central Jail, ...Petitioner
Colvale, Goa.

V e r s u s

1. Office of the Superintendent
Colvale Jail, Colvale- Goa.
2. Public Prosecutor,
High Court Building,
AG's Office, High Court, ...Respondents
Panaji-Goa.

Mr. T. George John, Advocate for the Petitioner.
Mr Mahesh Amonkar, Addl. Public Prosecutor for the
Respondents.

Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ
Date: 18 June 2018

P.C.

1. Heard Mr. T. George John, learned Counsel appearing for the Petitioner and Mr. Mahesh Amonkar, learned Additional Public Prosecutor appearing for the Respondents.
2. The Petitioner has sought relaxation of the condition of parole to the extent of deposit of ₹1,00,000/- and a surety bond of like amount.

3. We have seen the order passed granting parole. The Petitioner is granted parole by executing a personal bond in Form II of ₹1,00,000/- and surety bond of Form-I of ₹1,00,000/-. Form I and Form II, which have been appended to the Goa Prisons Rules 2006, do not state that cash amount needs to be deposited but these personal bonds come into operation in case of default, which position is also clarified by the learned Addl. Public Prosecutor.

4. The Petitioner is proceeding on this basis that the Petitioner is required to deposit a cash amount of ₹1,00,000/- as a pre-condition for release and, consequently, is seeking reduction to ₹10,000/-. There is no statement in the Petition nor it is asserted by the learned Counsel for the Petitioner that the Petitioner does not know anyone in the State of Goa, of which he is a local resident, who can give a surety bond of ₹1,00,000/- or who has property worth of ₹1,00,000/- to be recovered from the same in case of default.

5. Therefore, at this stage, we are not inclined to interfere in this writ jurisdiction as the conditions of parole are clear that all that the Petitioner has to do is to submit Form I and Form II and if they are so submitted to the satisfaction of the Authority, the question of deposit of cash does not arise.

6. The Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N. M. Jamdar, J.