

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 38 OF 2019

**TIOFILO EVANGELIO MORAES,
PRESENTLY SERVING SENTENCE AT
CENTRAL JAIL, COLVALE.,**

... Petitioner

Versus

**THE INSPECTOR GENERAL OF PRISONS,
PANAJI AND ANR.,**

... Respondents

Mr. T. George John, Advocate for the Petitioner.

Mr.Pravin N. Faldessai, Addl. Public Prosecutor for Respondent
Nos.1 & 2.

Coram:- R. D. DHANUKA &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 1st April 2019

P.C.:

By this petition the petitioner seeks writ of mandamus or direction to respondent No. 1 to release the petitioner on furlough for 28 days. It is to be noted that the petitioner was already released on furlough from 18.06.2016 to 08.07.2016, 16.01.2017 to 05.02.2017, 14.11.2017 to 04.12.2017 and 05.06.2018 to 02.07.2018. A perusal of the Nominal Roll of the prisoner indicates that the conduct of the petitioner herein was satisfactory. The petitioner is of 81 years of age and was convicted for offence punishable under Section 376(2) of the Indian Penal Code and was directed to undergo 10 years

imprisonment.

2. The order passed by the respondent indicates that the sister of the petitioner has shown her willingness to furnish surety and to keep the prisoner with her. She has a younger son Ronnie Roktao who is presently working in Dubai who is looking after her welfare and day to day expenditures. The respondent has expressed a fear that the petitioner may cause harm to the victim girl and her family members. The learned Counsel for the petitioner undertakes that his client will not create any trouble for the victim girl and her family members and will not cause any harm to them, if the petitioner is released on furlough, as prayed.

3. After considering the fact that the petitioner was released four times on furlough and has not jumped the orders of the Inspector General of Prisons and in view of the undertaking of the learned Counsel for the petitioner that his client will not cause any harm to the victim and her family members, we are inclined to direct the respondents to release the petitioner on furlough for a period of 28 days on usual terms and conditions, to be imposed by the Inspector General of Prisons that is respondent No. 1, within one week from today.

4. Writ Petition is disposed off on the aforesaid terms.

5. The respondents to act on the authenticated copy of this order.

6. In so far as the surety amount is concerned, the authorities are directed to take into consideration the amount of surety furnished by the petitioner, while granting furlough on the last four occasions.

7. It is made clear that this order shall not be treated as precedent. We have passed this order of furlough in the facts and circumstances of this case.

PRITHVIRAJ K. CHAVAN, J.

R. D. DHANUKA, J.

MF/-