

**IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL WRIT PETITION NO. 117 OF 2019**

**JOVITA R. DOS REMEDIOS PINTO,  
PRESENTLY LODGED AT MODERN CENTRAL  
JAIL AT COLVALE.,**

**... Petitioner**

**Versus**

**STATE OF GOA, THR. THE PUBLIC  
PROSECUTOR AND 2 ORS.,**

**... Respondents**

Adv. Maria Caroline Collasso for the Petitioner.

Mr. Pravin Faldessai, Addl. Public Prosecutor for the Respondent no.1.

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

**Date:- 2nd May 2019.**

**Oral Order:**

By this petition, the petitioner seeks furlough for a period of 28 days. By order dated 4/4/2019, the I.G. Prisons refused the application for furlough on the ground that if the petitioner is released on furlough, there is every possibility that the prisoner will take advantage and may not surrender before the Jail Authority and may not be traceable.

2. In para 2 of the order, the I.G. Prisons has recorded the statement that the father of the petitioner is having business at Calangute and he has no objection if his son is released on furlough and he is ready to take the responsibility of his son during the furlough period and he is willing to keep

his son at his residence and his family members do not have any objection. He is also willing to enter into the surety bond with the I.G. Prisons.

3. Mr. Faldessai, the learned Additional Public Prosecutor for the respondent invited our attention to the nominal role and submitted that insofar as the petitioner is concerned, he has been granted parole on 13 occasions and furlough once. It is submitted by the learned counsel for the petitioner that at the time when furlough was being granted to the petitioner, he was all through out with his family. The learned counsel, however does not dispute that the petitioner has committed any breach of any of the orders of the furlough or parole earlier granted to him from time to time.

4. The apprehension of the respondent that the petitioner if released on furlough, that there is possibility that he will take advantage and may not surrender before the jail authority and will not be traceable, is of no merit. The family members of the petitioner have agreed to keep the petitioner at his residence. The father of the petitioner is willing to enter into the surety bond with the I.G. Prisons. The impugned order dated 4/4/2019 is quashed and set aside. The respondent no.2 is directed to grant furlough to the petitioner for a period of 28 days commencing from 11<sup>th</sup> May, 2019, upon the father of the petitioner furnishing the surety bond to the I.G. Prisons and on complying

with the other requisites.

5. The learned counsel for the petitioner, on instructions, undertakes that his client will not abscond and would surrender on completion of the period of furlough and will comply with the other mandatory requirements.

6. The writ petition is allowed in the aforesaid terms with no order as to costs.

7. The amount of the surety to be decided by the respondent no.2.

8. Parties to act on an authenticated copy of this order.

**PRITHVIRAJ K. CHAVAN, J.**  
ap/-

**R. D. DHANUKA, J.**