

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO.184 OF 2019**

Mr. Subhash Usgaonkar,
age 48 years,
Prisoner No.254/16,
r/o. Tony Nagar,
Sanvordem, Goa,
n/o. Sattarbhat, Diwar,
Old Goa.
Presently lodged at Central Jail
Colvale, Bardez – Goa.

.... Petitioner

V/s.

1. The State of Goa,
(through Superintendent of Central
Jail, Colvale, Bardez, Goa and I.G.
of Prison, Panaji – Goa.)

2. The P.P. High Court,
Panaji – Goa.

.... Respondents

Ms. Ghode Veena Vaman, Advocate for the Petitioner.

Mr. Pravin Faldessai, Additional Public Prosecutor for the
Respondents.

**Coram : M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date : 7th August, 2019.

Oral Judgment: (Per M.S. Sonak, J.)

Heard Ms. Veena Ghode, learned Counsel for the Petitioner and Mr. Pravin Faldessai, learned Additional Public Prosecutor for the State.

2. Rule. Rule is made returnable with the consent and at the request of the learned Counsel for the parties.
3. The petitioner takes exception to condition no.1 in the Order dated 15.7.2019 made by the Inspector General of Prisons, requiring the petitioner to furnish a personal bond in an amount of Rs.1,00,000/- and to produce one surety in the like amount for availing furlough for a period of 28 days.
4. From the records we understand that the petitioner was earlier released on Parole and Furlough and there was no complaint or breach of any of the conditions made by the petitioner of Parole and Furlough. Ms. Veena Ghode has pointed out that the petitioner was working as a domestic servant and looking to the financial condition of his family members, he will not be in a position to furnish a personal bond or a surety of Rs.1,00,000/- as required.

5. According to us, in the peculiar facts of the case, the amount indicated in condition (1) is highly excessive. Therefore, this amount is scaled down to Rs.25,000/-. The Order dated 15.7.2019 is modified accordingly.

6. The Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

7. The petitioner shall now be released on furlough in terms of the Order dated 15.7.2019 as now the order is modified by scaling down the amount in condition no.(1) from Rs.1,00,000/- to Rs.25,000/-. The necessary orders may be made by the Inspector General of Prisons within a period of one week from today.

8. Parties to act on the basis of an Authenticated copy of this order.

NUTAN D. SARDESSAI, J. M. S. SONAK, J.

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