

(2012) 10 BOM CK 0104

In the Bombay High Court

Case No : Criminal Writ Petition No. 92 of 2012

Mr. Suresh Chanappa, P. No. 570/02, Currently held at
Central Jail At Aguada, Goa

APPELLANT

Vs

State of Goa and The Superintendent of Prisons, Central Jail
Aguada, Bardez, Goa

RESPONDENT

Date of Decision : 17-10-2012

Acts Referred:

Citation : (2012) 10 BOM CK 0104

Hon'ble Judges : A.P. Lavande, J

Bench : Single Bench

Advocate : Prema Matkar, for the Appellant; S.R. Rivonkar, Public Prosecutor, for the Respondent

Judgement

A.P. Lavande, J.—Heard, Ms. Matkar, learned Counsel for the petitioner and Mr. Rivonkar, learned Public Prosecutor for respondents. Rule. By consent heard forthwith.

2. The petitioner is aggrieved by the condition imposed by order dated 17.09.2012, passed by respondent No. 2 granting furlough to him to the extent it directs the petitioner to furnish a personal bond for Rs. 1,00,000/- with one surety in the like amount or give cash security.

3. Perusal of record discloses that the petitioner was earlier granted furlough subject to execution of personal bond with one surety of Rs. 25,000/- (Rupees Twenty-Five Thousand only).

4. According to Ms. Matkar, learned Counsel for the petitioner, considering the financial position of the petitioner, the condition imposed by respondent No. 2 calling upon the petitioner to execute a personal bond in the sum of Rs. 1,00,000/- with one surety in the like amount is harsh and the petitioner is not able to furnish security and as such the petitioner would be deprived of his right to be released on furlough.

5. Mr. Rivonkar, learned Public Prosecutor submits that in view of the earlier order dated 20-09-2010, he has no objection if the petitioner is released on furlough by executing a personal bond of Rs. 25,000/- with one surety in the like amount.

6. In view of the above, the order granting the petitioner to furnish personal bond and surety in the sum of Rs. 1,00,000/- with one surety in the like amount is modified and the petitioner is directed to furnish personal bond in the sum of Rs. 25,000/- with one surety in the like amount. The order dated 17-09-2012 stands modified accordingly. The other terms and conditions shall remain. Rule is made absolute in the above terms.