

(2012) 02 BOM CK 0071

In the Bombay High Court

Case No : Criminal Writ Petition No. 11 of 2012

Shri Vishal Devidas, Prisoner No. 64, Presently undergoing sentence at Central Jail Aguada, At Sinquerim Goa, through his wife Mrs. Tayashree Devidas

APPELLANT

Vs

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

RESPONDENT

Date of Decision : 24-02-2012

Acts Referred:

Citation : (2012) BomCR(Cri) 115

Hon'ble Judges : F.M. Reis, J

Bench : Single Bench

Advocate : S. Gawas, for the Appellant; C.A. Ferreira, Public Prosecutor, for the Respondent

Judgement

F.M. Reis, J.—Heard Ms. S. Gawas, learned Counsel appearing for the petitioner and Shri C. A. Ferreira, learned Public Prosecutor for the respondents.

2. Rule. Heard forthwith by consent of learned Counsel.

3 Shri C. A. Ferreira, learned Public Prosecutor waives service on behalf of the respondents.

4. The above petition challenges the directions issued in the order dated 24.01.2012 passed by the respondent no.2 granting parole to the petitioner for a period of 15 days imposing different conditions and inter-alia the condition no.1 contemplates that the petitioner should execute a personal bond in Form II for a sum of Rs.1,00,000/-and produce one surety in the like amount giving cash or otherwise.

5. The learned Counsel appearing for the petitioner has pointed out that the petitioner has no source of income to furnish a bond of Rs.1,00,000/-as the petitioner's family does not have such amount nor has financial resource to furnish such surety. The learned Counsel further pointed out that as such a

personal bond and surety cannot be arranged by the petitioner and he will be deprived of getting parole as permitted by the impugned order. The learned Counsel as such submitted that the said condition be modified.

6. Shri C. A. Ferreira, learned Public Prosecutor has furnished a report from the Superintendent of Police, South Goa District, Margao, dated 20.02.2012 inter-alia stating that the petitioner's family is not sound and there is no other source of income in the family of the petitioner to arrange the surety amount for the release of the petitioner on parole.

7. Considering the facts and circumstances of the case and taking note of the fact that the parole was granted to the petitioner on the medical reason as the wife of the petitioner is reported to be sick and requires assistance of the petitioner, I find that in the interest of justice, the said condition of imposing the personal bond and surety amount of Rs.1,00,000/-deserves to be modified. In the interest of justice and taking note of the financial condition of the petitioner and his family members, the said amount is reduced to Rs.10,000/-.

8. In view of the above, I pass the following :

ORDER

(i) The petition is partly allowed.

(ii) The condition no.1 in the impugned order dated 24.01.2012 passed by the respondent no.2 is modified by substituting the amount of Rs.1,00,000/-to Rs.10,000/-.

(iii) All the conditions imposed therein shall continue to be in operation subject to the said modification.

(iv) Rule is disposed of in above terms.

(v) The petition stands disposed of accordingly.

9. Authenticated copy of this judgment be made available to the petitioner.