

**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL WRIT PETITION NO. 99 OF 2018**

ADAWAYYA @ SWAMI KUNTAINARWAR,  
PRESENTLY AT CENTRAL JAIL  
COLVALE.,

... Petitioner

Versus

THE INSPECTOR GENERAL OF PRISONS,  
PANAJI AND ANR.,

... Respondents

Shri T. George John, Advocate for the Petitioner.

Shri P. Faldessai, Addl. Public Prosecutor for the Respondents.

**Coram :- NUTAN D. SARDESSAI, J**

**Date : 30 May 2018**

**ORAL ORDER**

Heard Shri T. George John, learned Advocate for the petitioner and Shri Faldessai, learned Addl. Public Prosecutor for the Respondents.

2. The petitioner takes exception to the order dated 22.05.2018 pursuant to which he has been ordered to be released on furlough for a period of 21 days subject however to the execution of a personal bond in the prescribed form in the amount of ₹1,00,000/- and furnish one local surety in the like amount giving cash or otherwise.

3. In the contention of Shri T. George John, the condition to execute the bail bond in the sum of ₹1,00,000/- and to furnish a local surety in the like amount by giving cash or otherwise is very harsh and that being the position it would be impossible for the petitioner to get the benefit of furlough because of such stringent condition. He therefore submits that the bond amount be reduced as otherwise he would not be able to enjoy the fruits of the order.

4. Shri P. Faldessai, learned Addl. Public Prosecutor in fairness concedes that the condition on which furlough has been granted to the petitioner furnishing bond in the amount of ₹1,00,000/- and surety in the like amount and/or the deposit of cash is rather harsh considering also the directions issued by this Court from time to time to impose conditions which will not defeat the very purpose and object of granting such benefit.

5. Having thus considered the submission of the learned Counsel for the petitioner as also the learned Additional Public Prosecutor for the respondents and in the interest of justice, i deem it appropriate to modify the condition of the order to the extent that the petitioner shall furnish a personal bond in the prescribed form in the sum of ₹10,000/- and produce one surety in the like amount or giving cash or otherwise. The impugned order is modified to this extent only.

6. The petition is accordingly disposed off.
7. Authenticated copy of this Order be issued to the parties in accordance with law.

**NUTAN D. SARDESSAI, J.**

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