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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1734/2015

ASHOK KUMAR Petitioner

Through Mr.S.B.Dandapai, Adv.

versus

STATE Respondent

Through Ms.Srilina Roy, Adv. for Ms.Nandita
Rao, ASC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.10.2015**

The petitioner is aggrieved by the order dated 24.07.2015 passed by the competent authority whereby his prayer for being released on parole on the ground of attending to his ailing mother, re-connecting social ties and to look after his younger brother who had been shot at during the period of incarceration of the petitioner, has been rejected.

The order of rejection reveals that the prayer was disallowed for the reason that the petitioner was released on custody parole for a day for visiting his brother Pappu who was being treated at Safdarjung Hospital.

The other ground which has weighed with the competent authority in rejecting the prayer of the petitioner is that he was granted parole for one month in the month of December 2015 and thereafter he has availed the concession of furlough for a total period of six weeks including three weeks furlough upto 23.04.2015 by the order of DG(P).

Learned counsel for the petitioner submits that his mother is seriously ill and is suffering from mental ailment. More than attending to her medically, she would benefit by seeing the petitioner by her side for atleast some days.

The status report affirms the fact that the mother of the petitioner has been ailing for a long time. The petitioner was made to visit in custody his younger brother who was injured in a shooting incident at a hospital where he was being treated.

True it is that the brother of the petitioner has come back home and is convalescing, nonetheless, the petitioner requires to visit his mother and brother so as to lend mental assurance to them that they are being looked after.

With reference to the nominal roll, it has been submitted that the overall conduct of the petitioner in jail has been satisfactory and a co-accused of the case is already confined in jail.

The petitioner has remained in jail for about 11 years upto now.

Considering the aforementioned facts, the petitioner is directed to be released on parole for a period of 30 days from the day of his release on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) If the petitioner is required to go out of the territory of Delhi, he would intimate about his visit to the SHO of the concerned police

station.

- d) He shall furnish his mobile telephone number and the mobile telephone number of the surety to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of the coercive steps for securing his attendance.

With these observations, the petition is disposed of.

A copy of this order be communicated to the Superintendent of the concerned Jail for information and compliance.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 16, 2015

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