

\$~43

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

+ W.P.(CRL) 1739/2015

SACHIN @ KAPIL

..... Petitioner

Through: Mr. Vikas Padora, Adv.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC for the
State

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **14.08.2015**

The petitioner applied for release on parole before the competent authority.

The prayer was rejected on 18.7.2015.

Hence, this writ petition.

The rejection order states that there has been an adverse police report. The convict and the witnesses are residing in the same vicinity and, therefore, there is a perception that the witnesses could be threatened by the petitioner if released on parole.

There is an additional ground which finds mention in the order impugned namely the quarrelsome behaviour of the wife of the petitioner and her picking up fights with mother in law. A queer report was submitted by the police that there is a possibility of threat to the life of the mother and brother of the petitioner since the wife of the petitioner fights with his mother.

The nominal roll discloses that the petitioner has remained in custody for a little above six years and his conduct in jail has been satisfactory.

The major ground for seeking release on parole is filing SLP before the Supreme Court of India against the judgment and order passed in appeal affirming the sentence by the Trial Court.

A convict/applicant cannot be prevented from pursuing his legal remedies available to him under the law.

Considering the fact that the ground given by the competent authority for rejecting his prayer is being absolutely unsustainable and that SLP is required to be filed against the order and judgment passed in appeal, the petitioner is directed to be released on parole for a period of 30 days from the date of his release on his furnishing a bond in the sum of Rs.10,000/- with two sureties of 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 both the sureties 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.

ASHUTOSH KUMAR, J

AUGUST 14, 2015

ns