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

+ W.P.(CRL) 1767/2015

ANIL KUMAR @ BUTA Petitioner
Through: Mr.Habibur Rahman, Advocate.

versus

STATE Respondent
Through: Mr.Piyush Singhal, Advocate for
Mr.Ashish Aggarwal, ASC.
ASI Prem Goel, P.S.Ali Pur.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
16.12.2015

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For reconnecting social ties and for other reasons, the petitioner applied before the competent authority for being released on parole. The petitioner, it is stated, was granted parole in the month of September, 2014 by Government of National Capital Territory of Delhi. During the aforesaid period of parole, the petitioner married one Smt.Puja on 26.09.2014 at Arya Samaj Mandir, Delhi.

Though many grounds have been taken before the competent authority for release on parole but the prayer was primarily rejected on adverse police report regarding negative impact on law and order and the victim/witnesses of the case in which the petitioner stands convicted. There was also an apprehension of the police that he may jump the parole.

Learned counsel for the petitioner with reference to the nominal roll

has stated that he has remained in jail for more than 13 years.

Mr.Singhal, proxy to Mr.Ashish Aggarwal, Additional Standing Counsel, however, submits that the overall jail conduct of the petitioner has been unsatisfactory. He was punished for jail offence on 27.02.2011, 05.03.2012, 25.06.2012, 26.06.2012 and 07.02.2013 but never thereafter.

Learned counsel for the petitioner submits that though his conduct in jail was not satisfactory till about February, 2013 but thereafter he has been maintaining good behaviour inside jail. The jail conduct for the last one year has been reported to be satisfactory.

The status report reveals that out of the two addresses given by the petitioner in the present petition, nobody was found residing at 259, Balmiki Mohalla Village, Mukhmel Pur, Delhi. A cousin of the petitioner was found to be residing at the second address i.e. 605, MCD colony, S.P.Badli.

Considering the period of custody of the petitioner and the fact that the last parole was available by him in the month of September, 2014, this Court is inclined to release the petitioner on parole for a specified period for reconstructing his social ties.

Let the petitioner be released on parole for a period of 30 days from the date of his release subject to the petitioner furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount, one such surety shall be the cousin of the petitioner who stays at 605, MCD colony, S.P.Badli, 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.

Dasti.

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

ASHUTOSH KUMAR, J

DECEMBER 16, 2015

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