

\$~57

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2986/2015**
AJAY PATHAK

..... Petitioner

Through: Mr. Ali Choudhary, Adv. for
Ms.Arundhati Katju, Adv.

versus

STATE

..... Respondent

Through: Mr. Ashish Aggarwal, ASC with
Mr.Piyush Singhal, Adv.
ASI Davender, P.S. Dabri

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

16.12.2015

For the reason that the petitioner is required to file SLP before the Hon'ble Supreme Court of India and has to arrange funds for the same, he applied before the competent authority for being released on parole. The competent authority, vide order dated 24.11.2015 has rejected the prayer of the petitioner primarily on the ground of adverse police report from the point of view of law and order.

The petitioner had also prayed for being released on parole for reconnecting social ties.

The petitioner has remained in jail for about four years by now and his overall conduct in jail has been satisfactory. On earlier occasions also, the petitioner was let out from jail on interim bail but on no occasion, anything adverse was reported against him.

Every individual, including a convict, is required to be permitted to pursue his remedies in law. The remedy of preferring a statutory appeal or SLP before the Hon'ble Supreme Court of India would remain illusory if a convict is not provided the liberty of engaging a lawyer of his choice.

Considering the aforesaid facts, the reasoning given by the competent authority that the SLP could be filed from jail where free legal aid is available, is not acceptable by this Court.

The status report affirms the place of residence of the petitioner.

Considering the aforesaid facts, this Court is inclined to release the petitioner on parole for a period of 30 days to be counted from the date of his release on parole.

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.5,000/- 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.

ASHUTOSH KUMAR, J

DECEMBER 16, 2015

ns