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

+ W.P.(CRL) 778/2016

TAUHID RAJA @ GUDDU Petitioner
Through Mr. S.K. Sethi, Advocate

versus

STATE Respondent
Through Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Amrit Singh, Adv.
SI Narender, PS Nand Nagri

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER
% **09.03.2016**

The present is a petition under Article 226 of the Constitution of India seeking a mandamus *qua* the conditions imposed on him by the competent authority while granting him furlough by way of order dated 26th November, 2015.

Mr. S.K. Sethi, learned counsel appearing on behalf of the petitioner states that one of the conditions subject to his exercising the right of furlough was that he was required to furnish one surety in the sum of Rs. 10,000/- along with a personal bond in the like amount to the satisfaction of the Superintendent, Central Jail No. 2, Tihar, Delhi.

In this behalf, Mr. Sethi, learned counsel invites my attention to an order dated 8th March, 2011 passed by the Division Bench of this Court in Criminal Appeal No. 562/2009 whereby this Court had waived the conditions imposed on the petitioner of furnishing one surety and directed that in lieu thereof, he may furnish cash security for a sum of Rs. 10,000/- for his release on bail.

Mr. Sethi, learned counsel further states that the above modification has been made in the case of the petitioner herein by the Deputy Director (Home)

on earlier occasions as well.

However, a similar request has not been acceded to on this occasion by the competent authority.

In view of the foregoing, the present writ petition is allowed.

The order dated 26th November, 2015 is modified to the extent that instead of furnishing one surety in the sum of Rs. 10,000/- along with a personal bond in the like amount, the petitioner shall furnish a cash security for the sum of Rs. 10,000/- along with a personal bond in the like amount to the satisfaction of the Jail Superintendent, Tihar, Delhi.

With the above directions, the present writ petition is allowed and disposed of.

SIDDHARTH MRIDUL, J

MARCH 09, 2016

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