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

+ W.P. (CRL) 818/2016

RAJU @ NEPALI

..... Petitioner

Through : Pinki in person.

versus

STATE

..... Respondent

Through : Ms.Kamna Vohra, ASC with SI
Roshan Lal, PS Nangloi.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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16.12.2016

1. The instant writ petition under Articles 226 & 227 of the Constitution of India read with Section 482 Cr.P.C. has been filed on behalf of the petitioner for seeking parole for a period of three months. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Nominal Roll dated 24.02.2016 reveals that the petitioner was convicted under Section 376 IPC and was sentenced to undergo RI for ten years with fine ₹ 25,000/-. This Court has modified the default sentence from one year to three months by an order dated 06.10.2015. Nominal Roll further reveals that the petitioner has already undergone five years, two months and ten days incarceration besides remission for one year, four months and thirteen

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days as on 23.02.2016. It further reveals that he is not involved in any other criminal case and is not a previous convict. His overall jail conduct is satisfactory. He has not availed any parole / interim bail / furlough during his detention.

3. Since the petitioner was native of Nepal, to ensure his presence he was asked to inform as to who would stand surety in case he was granted parole. Ms.Pinki d/o co-convict Ranjeet Kaur on appearance informed that she was willing to stand surety for the petitioner. Verification was got conducted. As per additional status report, Pinki is a sound surety and has permanent address.

4. In the interest of justice and for the reasons mentioned in the writ petition, the petitioner is granted four weeks parole from the date of release, on furnishing personal bond in the sum of ₹30,000/- with one surety (That of Ms.Pinki) in the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate. After completion of parole period, the petitioner shall surrender before the Jail Superintendent.

5. Writ petition stands disposed of in the above terms.

S.P.GARG, J.

DECEMBER 16, 2016 / tr