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

+ W.P.(CRL) 1050/2016

DILIP KUMAR YADAV

..... Petitioner

Through: Mr. Aditya Vikram, Advocate.

versus

STATE

..... Respondent

Through: Ms. Megha Bahl, Advocate along  
with SI Ajit Singh, PS-Janakpuri for  
the State.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**

**22.07.2016**

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The petitioner has preferred the present writ petition to assail the order dated 15.03.2016 passed by the Deputy Secretary (Home) rejecting the petitioner's application to seek parole. The petitioner also seeks parole for a period of two months on the ground that he wishes to prefer a Special Leave Petition to assail the judgment of this Court dismissing his appeal and also to re-associate his social ties.

The State has filed the status report. It is pointed out that the petitioner has not provided any local address at Delhi. Further, the victim is stated to have given a statement that she and her family members are being threatened at the instance of the petitioner to enter into a compromise.

Learned counsel for the petitioner submits that the petitioner has no friend or relative in Delhi and, therefore, he cannot provide a local address. He submits that the petitioner is a resident of village & post office: Bakhara, PS Gauri Bazaar, District Deoria, U.P., which is about 900 Kms. from Delhi. He submits that the victim and her family are residing in Delhi. Learned counsel submits that the petitioner needs to go to his hometown to arrange the funds to be able to file the Special Leave Petition.

It is seen that the petitioner has been sentenced under Section 307 IPC and sentenced to Rigorous Imprisonment for 10 years apart from being subjected to fine. The petitioner has undergone sentence of 6 years 6 months and 10 days as on 18.03.2016 and earned remission of 1 year and two days. As on that date, the unexpired portion of his sentence was 2 years, 5 months and 18 days. The jail conduct of the petitioner has been found to be satisfactory. He has never earlier availed of bail or parole.

Looking to the threats claimed to have been extended to the victim and after considering the submissions of the petitioner, I am inclined to grant parole to the petitioner for a period of 4 weeks subject to terms & conditions.

Accordingly, the petitioner is directed to be released on parole for a period of 4 weeks upon his furnishing his personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Jail Superintendent. The petitioner shall, upon his release from the prison, not live in Delhi at all and shall straightaway proceed to his home at Deoria. At the time of surrender, he shall straightaway proceed to the prison and shall not live in Delhi on his return journey as well. He shall not try to contact the victim or his family in any manner or extend any threat to any of them. The petitioner shall report

at the local police station every week on every Monday at 11:00 a.m. to mark his attendance while on parole. He shall provide his mobile phone number to the Jail Superintendent which shall be kept in working condition, and shall not be changed during the period of parole without prior intimation to the Jail Superintendent.

So far as filing of the Special Leave Petition is concerned, the petitioner can file the same after he had surrendered at the end of the parole period, either through Jail, or by engaging a private counsel in whichever manner he considers appropriate.

The petition stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**JULY 22, 2016**

*B.S. Rohella*