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

+ W.P.(CRL) 1368/2016

MANISHA

..... Petitioner

Through: Mr. Ajay Kumar and Mr. Ajit Sharma,
Advocates

versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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03.05.2016

The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeks a direction to the competent authority to release the petitioner on parole in order to enable him to prosecute proceedings before Hon'ble Supreme Court of India.

The petitioner is aggrieved by the order dated 02.03.2016 whereby her representation seeking parole on the above stated ground has been rejected in view of the adverse police report.

The reasons ascribed by the competent authority in the order assailed herein are without any cogent material and cannot be sustained.

It is the constitutional right of every convict to prosecute proceedings before a higher court and the liberty of a convict cannot be curtailed merely on the ground that a Special Leave Petition can be instituted from the jail itself, which would negate the right guaranteed by the Constitution of India.

Even otherwise, a perusal of the nominal roll qua the petitioner reveals that her conduct in jail has been satisfactory from the inception of her incarceration and that she has been assisting the jail authorities as Gardening Sahayak.

In the circumstances, since the petitioner wants to assail the judgment dated 13.04.2015, whereby her appeal was dismissed, by preferring an SLP against the said judgment, the petitioner is enlarged on parole for the period of four weeks from the date of her release subject to her furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand only) with one surety of the like amount to the satisfaction of the Jail Superintendent, Tihar subject to the following conditions:-

- (v) During the period the petitioner remains out on parole, she shall report to the SHO, Police Station- Roop Nagar, Delhi, once a week on every Friday at 11.00 a.m..
- (vi) The petitioner shall also provide the SHO, Police Station- Roop Nagar, Delhi with her mobile telephone number which she undertakes to keep operational.
- (vii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (viii) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

The writ petition is disposed of accordingly.

A copy of this order be sent to the Jail Superintendent, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

MAY 03, 2016

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