

#39

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.05.2016

W.P.(CRL) 1389/2016

HARI KISHAN MANDAL

..... Petitioner

Through: Mr. Tarun Khanna, Advocate with
Ms. Saahila Lamba, Advocate

versus

STATE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) with Mr. Jamal Akhtar,
Advocate

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. 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 furlough, in terms of the order dated 23.12.2015 with a modification that instead of furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) along with one surety of the like amount, the petitioner be permitted to furnish cash security in lieu of surety bond.

2. Mr. Tarun Khanna, learned counsel appearing on behalf of the petitioner invites my attention to an order rendered by the competent authority dated 15.10.2015 to urge that a similar modification was allowed

by the competent authority itself on a previous occasion when he was released on parole.

3. Notice.

4. Mr. Rahul Mehra, learned Standing Counsel (Criminal) accepts notice on behalf of the official respondent and does not refute the position as afore-stated.

5. In view of the foregoing, the present petition is allowed. The order dated 23.12.2015 passed by the competent authority is reiterated, save and except to the extent that the petitioner is directed to be released on furlough on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) with cash security of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar.

6. It is made clear that all the other terms and conditions imposed by way of order dated 23.12.2015 shall remain the same.

7. With the above directions, the writ petition is disposed of.

8. 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 04, 2016

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