

\$~35

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

+ W.P.(CRL) 2360/2015

DEEPAK DEBNATH

..... Petitioner

Through: Mr. Ajay Verma & Mr. Manjeeta
Kumari, Advocates

versus

STATE

..... Respondent

Through: Mr.R.S.Kundu, A.S.C. for the State
with Mr. Ankit Kumar Gulia,
Advocate & SI Anish Sharma,
PS Kalkaji

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

04.02.2016

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. filed by the Petitioner from Jail seeking parole for a period of two months on the ground of filing SLP before Hon'ble Supreme Court and for re-establishing social ties with the family and society.
2. Status report has already been filed by the State verifying the permanent address of the Petitioner i.e. Village Irongmora, PS Dwarbandh, District Cachar, Assam, to be correct where mother of petitioner Smt. Shanti Devnath, his sister Smt. Archana Devnath and his elder brother Mr. Uttam Devnath were found residing.
3. It is submitted by learned ASC for the State that native place of the

petitioner shares international border with Bangladesh and there is possibility of petitioner jumping the parole. Learned ASC for the State has further submitted that keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, he may be subjected to such conditions to ensure that he does not jump the parole.

4. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/338/2015/HG/4608 dated 15.09.2015.

5. Learned counsel for the Petitioner further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground for filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present Petitioner may be granted parole for the said purpose. The said guideline reads as under:-

“9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”

6. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

7. Nominal roll of the Petitioner has also been placed on record, perusal of which shows that the conduct of the Petitioner, during the period of incarceration, has been 'Satisfactory'.

8. Considering the facts and circumstances of the case and the fact that the Petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed to the extent that the Petitioner is granted parole for a period of four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on furnishing local address during his stay in Delhi and on his furnishing personal bond in the sum of ₹ 10,000/- **with one surety, who is permanent resident of Delhi**, of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is being granted parole for the twin purpose of filling SLP before the Hon'ble Supreme Court and re-establishing social ties and he is permanent resident of Village Irongmora, PS Dwarbandh, District Cachar, Assam, at the time of furnishing the bail bond the Petitioner shall keep the concerned Jail Superintendent as well as the SHO/Duty Officer, P.S. Kalkaji, Delhi informed about his place of residence in Delhi as well as his place of residence in his native town and his contact numbers i.e. mobile, landline or both.

(ii) The concerned Jail Superintendent is directed to get the address of the surety verified before releasing the petitioner on bail and it would be open to the Jail Superintendent to seek cancellation of parole in case it is found to be incorrect.

(iii) The petitioner shall further inform the Jail Superintendent as well as

SHO/Duty Officer, P.S. Kalkaji, Delhi about the period for which he shall be staying in his native town as well as the period for which he shall be staying in Delhi for purpose of filing the SLP.

(iv) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

(v) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Kalkaji, Delhi with the name of counsel who filed the SLP.

9. It is, however, made clear that on expiry of the parole period, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioner before the Supreme Court.

10. Writ Petition stands allowed in the above terms.

11. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

FEBRUARY 04, 2016

‘aky’