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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2771/2015**

MUKESH

..... Petitioner

Through: Mr.Biswajit Kumar Patra, Advocate

versus

STATE

..... Respondent

Through: Ms.Nandita Rao, A.S.C. for the State
for Mr.Ashish Aggarwal, A.S.C. for
the State with SI Sumer Chand PS
Nabi Karim

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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01.02.2016

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. moved on behalf of the Petitioner seeking parole for a period of two months to enable him to file SLP before the Hon'ble Supreme Court.

2. 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.18/288/2015/HG/4548 dated 15.09.2015.

3. 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 of filing of a Special Leave Petition before the Supreme

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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.”

4. 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.

5. Nominal roll of the Petitioner is already placed on record, perusal of which shows that the Petitioner has never been granted parole earlier and his conduct for the last one year has been reported to be satisfactory.

5. On behalf of the State, it has been submitted by learned Addl. Standing Counsel that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

6. 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 and 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 his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the

concerned Jail Superintendent and subject to the following conditions:-

- (i) During the period of parole, the Petitioner shall report to the Duty Officer, P.S. Nabi Karim, Delhi on every Monday at 10 AM.
- (ii) The Petitioner shall keep the SHO, P.S.Nabi Karim, Delhi informed about his place of residence in Delhi and his contact numbers i.e. mobile, landline or both. It would be open to the concerned SHO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.
- (iii) During the period of parole, the Petitioner shall remain in Delhi and he shall not cross the border and try to contact the witnesses in any manner whatsoever.
- (iv) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S.Nabi Karim, Delhi with the name of counsel who filed the SLP.
- (v) While submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside in Delhi during the period of parole as well as the contact numbers.

7. 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.

8. Writ Petition stands allowed in the above terms.

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

Order *dasti*.

FEBRUARY 01, 2016

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PRATIBHA RANI, J.

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