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

+ W.P.(CRL) 273/2017

RAMESH @ NANKU

..... Petitioner

Through: Ms. Sabia Malik proxy counsel for
Mr. Puneet Singhal, Advocate/
DHCLSC

versus

STATE

..... Respondent

Through: Ms. Nandita Rao, ASC (Crl.)
ASI Karunik Singh, PS Rajouri
Garden

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.04.2017

The petitioner was held guilty and convicted and sentenced by a court of sessions by order dated 14.01.2016 for offences punishable under Sections 395/397/412/482/34 IPC in a criminal case arising out of FIR No.86/2009 of Police Station Rajouri Garden. Criminal Appeal No.231/2016 preferred by the appellant/petitioner has since been dismissed by this court by judgment dated 29.07.2016.

As per the nominal roll dated 21.12.2016 his conduct in jail has been satisfactory, he having undergone incarceration for over four years by such time. It may be added here that the petitioner is also a convict in another criminal case, it having arisen out of FIR No.92/2009, under Section 186/353/307/411/34 IPC and 25 of the Arms Act of Police Station Vikas Puri wherein sentence of rigorous imprisonment for three years with fine were imposed.

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It may further be noted here that the nominal roll indicates three co-convicts are also lodged in the jail. The request of the petitioner for release on parole, *inter alia*, for arranging a private lawyer to file Special Leave Petition before the Supreme Court of India and to re-connect social ties with the society and family members was rejected by the State by communicated dated 07.11.2016 mainly on the ground that by such time he had not completed one year in prison as the convict.

The status report has been submitted indicating that the address has been verified. Learned Additional Standing Counsel for the respondent/State submitted that the period of one year in incarceration has now been completed. She further submitted that if the court were inclined to grant the release on parole, a condition may be added that the convict shall not be released at the same time when the co-convicts are on parole / furlough.

Having regards to the grounds stated, the petition is allowed. In the facts and circumstances set out above, case for release on parole for a period of four weeks is made out. Granted accordingly, subject to the following conditions:-

- (i). He shall furnish personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the jail authorities and to local police.
- (iii). During the period of parole, he shall report to the SHO of the concerned police station once a week on every Saturday.

(iv). During the period of his release, he shall not come in contact with or try to influence any of the witnesses of the case in which he stands convicted or the cases which are still pending against him.

(v). During the period of release, he shall maintain peace and be of good behaviour not involving in any criminal activity.

(vi). He shall not leave the National Capital Territory of Delhi during the period of parole, without prior permission of this court.

(vii). He shall surrender before the jail authorities on the expiry of the period of parole.

(viii) Upon arrival at the native place, as aforesaid, he shall report his arrival to the local police, handing over a copy of this order, and thereafter mark his attendance in the police station at least once a week.

(ix) Further, he shall not be released at the same time when the co-convicts are on parole / furlough.

The writ petition is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities.

Dasti

R.K.GAUBA, J.

APRIL 27, 2017

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