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

+ W.P.(CRL) 488/2017

SUSHIL KUMAR

..... Petitioner

Through: Mr. Nitish Chaudhary, Adv. for Mr.
Chetan Lokur, Adv.

versus

STATE

..... Respondent

Through: Mr. Ashish Aggarwal, ASC
SI Kishore Kumar, P.S. Patel Nagar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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22.05.2017

The petitioner had represented before the competent authority for being released on parole for filing SLP before the Supreme Court of India and also for re-establishing social ties. The aforesaid representation of the petitioner was rejected by order dated 26.12.2016. The competent authority was of the view that there is a possibility of the petitioner jumping the bond as the present address of the petitioner is not confirmed. The other ground which weighed with the competent authority is that the SLP could be filed from the jail itself where free legal aid is available with the petitioner.

MrAshish Aggarwal, learned Additional Standing Counsel submits that the petitioner was on bail w.e.f. 27.10.2004 to 04.08.2016 by the order of this court and this period could have been utilized by the petitioner for preferring the SLP.

Learned counsel for the petitioner submits that none of these grounds are tenable for the purposes of refusing the request for parole.

It has been pointed out from the nominal roll that the petitioner has remained in jail for about 6 years by now and his overall conduct in jail has been satisfactory.

While verifying the address, it was learnt that earlier the petitioner was staying on rent but later he moved to different addresses. However, the brother of the petitioner, namely, Vikas Kumar has been found to be residing as tenant at C-577, J.J. Colony, Vishnu Garden, Khayala, Delhi, who has stated that the wife of the petitioner stays in a village in Bihar.

Taking into account the period of custody of the petitioner, his overall conduct in jail and the requirement of preferring SLP before the Supreme Court of India, this court is persuaded to release the petitioner on parole for a specified period.

Let the petitioner be released on parole for a period of three weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount, one being his brother who stays in Delhi, to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed below:-

- e) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- f) The petitioner shall not engage himself in any unlawful activity.
- g) Before going to his village home, he shall intimate the SHO of the concerned police station and on reaching his home State, he shall get his presence marked by the SHO of the police station under

which jurisdiction, his village will fall.

- h) He shall furnish his and his sureties' mobile telephone numbers to the SHO of the concerned police station so that in case of necessity, he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

ASHUTOSH KUMAR, J

MAY 22, 2017

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