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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 686/2017

TEJ NARAIN @ NARAIN

..... Petitioner

Through: Mr. Dhan Mohan and Ms. Tanu, Advocates.

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC with SI Gajender, PS-Alipur.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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06.07.2017

The present petition has been filed by the petitioner inter alia praying for issuance of writ of mandamus granting parole to the petitioner for a period of one month for filing SLP before the Hon'ble Supreme Court of India.

Status report has been filed by the State.

Perusal of the nominal roll of the petitioner shows that he is undergoing a sentence of 10 years Rigorous Imprisonment for offence under Section 366 (2)(f) IPC and 7 years Rigorous Imprisonment for offence under Section 366 IPC with fine of Rs.25,000/- in case FIR No.164/2011 under Section 376 (2)(f)/366/34 IPC registered at PS – Ali Pur.

The petitioner has already undergone 5 years 6 month and 24 days of incarceration and also earned remission of 4 months and 22 days as on 22.03.2017. The unexpired portion of the sentence is 4 years 17 days (IFP). The jail conduct of the petitioner has been found to be satisfactory.

The appeal preferred by the petitioner was dismissed vide order dated 20.10.2016 of this Court.

The status report filed by the State goes to show that the address provided by the petitioner has been got verified. The said house is occupied by Mr. Ghuran Yadav S/o Shri Jogi Yadav, uncle (Fufa) of the petitioner, who is residing there permanently for the last 15 years. The permanent address of the petitioner at District Darbhanga, Bihar, was also got verified to the extent that the family of the petitioner is residing at the given address.

In these circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of three weeks, subject to :

- i) his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall report at the local police station to mark his attendance on every Friday at 11:00 a.m. during the period of parole;
- iii) he shall duly surrender at the end of the period of parole;
- iv) at the time of his surrender, he shall submit proof of filing the Special Leave Petition before the Supreme Court, to the Jail Superintendent;
- v) he shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;
- vi) he shall also not indulge in any criminal activity during the period of parole.

Copy of this order be given dasti, as prayed.

A copy of this order be communicated to the Jail Superintendent concerned.

SANGITA DHINGRA SEHGAL, J

JULY 06, 2017 / gr