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

+ W.P.(CRL) 1084/2017

SUNIL NAYAK @ FUNDI Petitioner
Through: Mr.Dinesh Malik, Adv.

versus

STATE Respondent
Through: Mr.Jamal Akhtar, Adv. for Mr.Rahul
Mehra, Standing Counsel (Crl.).
SI Puneet Bharti, P.S.Sarai Rohilla.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

% **ORDER**
01.08.2017

The prayer of the petitioner for being released on parole for taking care of his wife and for maintaining social ties has been rejected. The reasons assigned by the competent authority is that the conduct of the petitioner has not been uniformly good in jail and that the grounds taken in the application seeking parole is also not convincing. The competent authority had in mind that the petitioner had jumped the parole once in the year 2010 and was arrested only in the year 2013.

Learned counsel for the petitioner, however, has pointed out that his two children and his wife are in desperate need of financial assistance which could only be arranged if the petitioner comes out of jail for a specified period. It has been further submitted that though the petitioner had jumped the parole and was arrested in the year 2013, but thereafter, he was never released on either parole or furlough.

Mr. Jamal Akhtar, learned counsel appearing for the State has drawn the attention of this Court to an order passed by a Coordinate bench of this Court in W.P(Crl) No.3137/2016 wherein the prayer for being released on parole was rejected by order dated 07.12.2016. On that occasion, the Court had taken note of the fact that the petitioner was punished on 12.08.2016 for having exceeded the visitation duration by about 1½ hours while he was talking to his wife.

Learned counsel for the petitioner submits that more than six months have passed after such an order of rejection of parole.

This Court has been persuaded to release the petitioner on parole on two grounds namely his period of custody for about more than seven years and that no parole or furlough was granted to him after 2013.

Taking into account the aforesaid facts, this Court directs that the petitioner be released on parole for a period of four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction Superintendent of the concerned jail.

The petitioner shall abide by the conditions listed below:-

- a) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave, under any circumstance, the National Capital Region of Delhi, without intimating the officer-in-charge of the concerned police station.
- d) 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

AUGUST 01, 2017

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