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

+ W.P.(CRL) 1087/2017

ASHISH KUMAR KAPRI

..... Petitioner

Through: Mr.Rajender Chhabra, Adv.

versus

STATE

..... Respondent

Through: Ms.Srilina Roy, Adv. for Ms.Nandita
Rao, ASC
Mr.Kamal Kr. Ghei, APP for State
S.I. Rajiv Gulati, P.S. IGI Airport

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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26.05.2017

The instant writ petition under Articles 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed on behalf of the petitioner for seeking parole for a period of three months.

Status report is on record.

Learned counsel for the petitioner submits that the petitioner is right now receiving sentence in case FIR No.112/2004, P.S. IGI Airport, under Sections 394/302/201/376(2)(g)/34 IPC. He further submits that the behavior of the petitioner in the jail is satisfactory. He further submits that the petitioner has already undergone about 13 years imprisonment. He also submits that the petitioner is seeking parole for the purpose of repairing/reconstructing his wife's dilapidated maternal house so as to make it livable for her. He accordingly prays for grant of three months parole to

the petitioner.

Learned counsel appearing on behalf of Standing Counsel on behalf of State opposes the present application for grant of parole, while submitting that the petitioner has already availed two weeks furlough twice on the same ground in the year 2015 and could have repaired the house during that period.

Nominal Roll reveals that the petitioner was convicted under Sections 302/201/394/376(2)(g)/34 IPC. Nominal Roll further reveals that the petitioner has already undergone approx. 13 years in jail. His overall jail conduct is satisfactory. Earlier the petitioner was granted Furlough on various occasions and there are no allegations of its misuse.

In the interest of justice and for the reasons mentioned in the writ petition, the petitioner is ordered to be released on parole for a period of one month effective from the date of his release on the following conditions:-

- (i) The petitioner shall furnish personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent concerned.
- (ii) He is also directed not to contact, threaten or coerce the victim or any of her family members during this period or to indulge in any illegal activities.
- (iii) He is also directed to furnish his contact number to the SHO concerned.
- (iv) He is to surrender before the concerned Superintendent Jail after the expiry of period of parole.

Petitioner be informed through the Superintendent Jail.

Copy of the order be also sent to SHO, Police Station-IGI Airport &

to the concerned Jail Superintendent for information.

Petition stands disposed of accordingly.

A copy of the order be given *dasti* to counsel for the petitioner.

I.S.MEHTA, J

MAY 26, 2017/km