

\$~34

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

+ W.P.(CRL) 1408/2017

PRAHLAD @ PAPPU Petitioner

Through: Mr.Ankur Sood, Adv.

versus

STATE Respondent

Through: Mr.R.S.Kundu, ASC.
ASI Sudhir, P.S.Sagam Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **11.05.2017**

The petitioner is aggrieved by the order dated 02.01.2017 passed by the competent authority whereby his prayer for being released on parole for preferring SLP before the Supreme Court of India and for re-connecting social ties has been rejected.

The rejection is primarily on the ground that the petitioner had availed bail from January, 2016 to February, 2016 by the order of the High Court and that the petitioner could file SLP from jail itself, where the free legal aid is available to the all detenues.

Learned counsel for the petitioner has pointed out from the nominal roll that out of a sentence of seven years, the petitioner has remained in jail for about three years and four months by now. The overall conduct of the petitioner in jail has been satisfactory. For the period when the petitioner was on interim bail, he did not involve himself in any unlawful activity and

surrendered before the jail authorities on time.

No doubt, there is a provision for legal aid for detainees to facilitate filing of statutory appeals. Nonetheless the right to file an appeal would be rendered a mere formality if the petitioner is not afforded a lawyer of his choice. That apart, since the petitioner has shown good conduct in jail and has remained in jail for approximately half the sentence, this Court is inclined to release him on parole for a specified period.

Mr.Ranbir Singh Kundu, learned Additional Standing Counsel has filed status report. Let it be taken on record.

The address of the petitioner has been verified. The petitioner is a resident of Rajasthan. It is, therefore, submitted by Mr.Kundu that some conditions be imposed on the petitioner so that he does not jump the bonds.

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 one surety of the like amount to the satisfaction of the 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.
- d) He shall furnish his and his surety's 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 11, 2017

k