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

+ W.P.(CRL) 1426/2017

YADRAM @ PHATTU Petitioner
Through: Mr.Ashish Aggarwal, Adv.

versus

STATE Respondent
Through:Ms.Richa Kapoor, ASC for
Mr.R.S.Kundu, ASC .
SI Ombir, P.S. Welcome.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.10.2017**

The petitioner has challenged the order dated 19.04.2017 passed by the competent authority whereby the prayer of the petitioner for being released on parole for re-establishing social ties with his family and society and for preferring SLP before the Supreme Court of India, has been rejected. The rejection is primarily on the ground of the possibility of an adverse impact on law and order, in the event of his release.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that after his conviction in FIR No.442/08 for the offences under Sections 302 and 34 IPC, in which he was sentenced for rigorous imprisonment for life, he has remained in jail for about 4½ years and that his conduct in jail has been satisfactory.

It has further been submitted that during the investigation of FIR No.442/08 in which he stands convicted, he was granted regular bail by this

Court. After dismissal of the appeal against the conviction in the present case, the petitioner did not surrender and was rearrested on 16.01.2015. In the meantime, another case vide FIR No.32/15 under Sections 307 IPC was lodged against him for attempting to murder. It has been submitted that on trial, the aforesaid case (FIR No.32/15) ended in acquittal.

Taking into account the facts that the other case in which the petitioner was made accused has ended in acquittal as well as the period of custody undergone by the petitioner and his satisfactory behaviour in the jail, this Court is inclined to grant parole to the petitioner for four weeks.

The petitioner is directed to be released on parole for 4 weeks, to be counted from the date of his release, on his furnishing bond in the sum of Rs. 5,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, 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 the 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

OCTOBER 16, 2017

Bisht