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

+ W.P.(CRL) 2844/2016

PRADEEP GOYAL

..... Petitioner

Through: Mr. Anwesh Madhukar, Advocate

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv for State with SI
R.N. Pathak, PS Jagatpuri

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

07.02.2017

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The petitioner seeks parole for a period of 3 months for filing of Special Leave Petition against the judgment of this court dismissing his appeal. The nominal roll on record shows that the petitioner has been sentenced to 6 years rigorous imprisonment with fine for the offence under Section 377 IPC. The petitioner has undergone 2 year 8 months and 1 day incarceration as on 22.10.2016.

The address of the petitioner has been got verified. The objection raised by the State is that the victim is also residing in the same locality as that of the petitioner.

Learned counsel for the petitioner submits that the petitioners family is residing at the said address and even throughout the trial and during the pendency of appeal, the petitioner was out on bail and resided at the said address. However, no incident of any kind involving the petitioner and the

victim or any other person was reported. It is also argued that the victim has now turned a major and therefore, even otherwise there is hardly any possibility of any threat by the petitioner to the victim.

Since the petitioners family is residing at the given address, which consists of his wife and children, the fear expressed by the State qua the victim may not be completely justified.

In these circumstances, the petitioner is directed to be released on parole for a period of four weeks subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- ii) 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;
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iv) he shall duly surrender at the end of the period of parole;
- v) he shall also not indulge in any criminal activity while on parole; and
- vi) the proof of filing of Special Leave Petition be provided to the Jail Superintendent.

VIPIN SANGHI, J

FEBRUARY 07, 2017

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