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

+ W.P.(CRL) 1623/2017

KAMLESH KUMAR

..... Petitioner

Through: Mr. Ajay Verma, Advocate

versus

STATE

..... Respondent

Through: Mr. Sanjay Lao, ASC for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **26.05.2017**

The petitioner was held guilty and convicted for offences under Sections 498-A/304-B/34 IPC in case arising out of the FIR No.151/1995 of Police Station Roop Nagar by order dated 16.09.1999. Criminal appeal No.505/1999 was dismissed by order dated 13.04.2015 by this court.

During the pendency of the appeal, the petitioner was out on bail. He has been in custody since 12.05.2015. The nominal roll indicates his conduct has been satisfactory. He was last released on parole for a period of four weeks from 06.05.2016 to 04.06.2016 in terms of the directions of this court. His fresh request for release on parole to re-establish social ties submitted on 16.02.2017 has been rejected by the State on the ground it might have adverse effect on the victim party and law and order situation. The communication sent bears date 24.04.2016 which apparently is incorrect. The reasons set out are too vague and smack of non application of mind or mechanical approach, in as much as, the previous release on parole by order of this court was not borne in mind.

In the facts and circumstances set out above, case for release on parole for a period of four weeks is made out. Granted accordingly subject to the following conditions:-

- (i). He shall furnish personal bond in the sum of Rs.10,000/- with one surety in like amount to the satisfaction of the Superintendent Jail.
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the jail authorities and to local police.
- (iii). During the period of parole, he shall report to the SHO of the concerned police station once a week on every Saturday.
- (iv). During the period of his release, he shall not come in contact with or try to influence any of the witnesses of the case in which he stands convicted or the cases which are still pending against him.
- (v). During the period of release, he shall maintain peace and be of good behaviour not involving in any criminal activity.
- (vi). He shall not leave the National Capital Territory of Delhi during the period of parole, without prior permission of this court.
- (vii). He shall surrender before the jail authorities on the expiry of the period of parole.

The writ petition is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J.

MAY 26, 2017/vk

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