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

+ W.P.(CRL) 1739/2017

MUMTAZ ALI ANASARI

..... Petitioner

Through: Mr.Biswajit Kumar Patra, Advocate.

versus

STATE

..... Respondent

Through: Mr.Ashish Aggarwal, ASC for the
State with Mr.Piyush Singhal and
Mr.Abhay Kakkar, Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.07.2017

1. This is a petition under Article 226 of the Constitution read with Section 482 Cr.P.C. filed by the Petitioner from Jail seeking parole for a period of three months to enable him to file SLP before the Hon'ble Supreme Court and to maintain social ties.
2. Status report has already been filed by the State verifying the permanent address of the Petitioner i.e. Village Tesupur, Post-Mohammadpur, District – Mau, Uttar Pradesh, to be correct where his family and siblings are residing and earning their livelihood by working as labourer.
3. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/298/2016/HG/2579 dated 08.05.2017.

W.P.(CRL) 1739/2017

Page 1 of 4

4. Learned counsel for the Petitioner further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present Petitioner may be granted parole for the said purpose. The said guideline reads as under:-

“9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”

5. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

6. Learned ASC for the State submits that though the petitioner, who is permanent resident of Uttar Pradesh, is seeking parole to enable him to file SLP before the Supreme Court as well as for maintaining social ties, he has not given any local address where he would stay in Delhi for purpose of filing the SLP. However, the permanent address of the petitioner has been duly verified and found to be correct. Learned ASC for the State submits that appropriate order may be passed keeping in view the Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

7. Nominal roll of the Petitioner has also been placed on record, perusal of which shows that the conduct of the Petitioner, during the period of incarceration, has been 'Satisfactory'.

8. Considering the facts and circumstances of the case and the fact that the Petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for grant of parole is allowed to the extent that the Petitioner is granted parole for a period of four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is permanent resident of Village Tesupur, Post-Mohammadpur, District – Mau, Uttar Pradesh, the Petitioner shall keep the SHO/Duty Officer, P.S. Govind Puri, Delhi informed about his place of residence in his native town and his contact numbers i.e. mobile, landline or both.

(ii) The Petitioner shall report on every Monday at 11 AM to the Duty Officer of the concerned Police Station/Police Post under the jurisdiction of which, the Petitioner shall stay during the period of parole in his native town.

(iii) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO, P.S. Govind Puri, Delhi with the name of counsel who filed the SLP.

(iv) While submitting the bail bond, he will furnish to the Jail Superintendent the address and the contact numbers of the place of residence during the period of parole.

(v) The petitioner shall not try to contact the victim and other witnesses in any manner.

9. It is, however, made clear that on expiry of the parole period, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioner before the Supreme Court.

10. Writ Petition stands allowed in the above terms.

11. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

JULY 11, 2017

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