

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2977/2016**

DHARMENDER Petitioner
Through: Mr. Azhar Qayum, Advocate.

versus

STATE Respondent
Through: Appearance not given.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **15.09.2017**

Crl. M.A. No. 13466/2017 (Reducing the surety amount)

This is an application under Section 440 Cr.PC read with Section 482 Cr.PC for modification of order dated 24.10.2016.

Learned counsel for the petitioner submits that the petitioner belongs to poor starta of the society and he has the responsibility of his widowed, old aged, sick mother and also that of a minor brother.

Heard. Record perused.

Perusal of the record shows that vide order dated 24.10.2016, the petitioner was granted parole for 15 days for filing of SLP before the Hon'ble Supreme Court subject to furnishing personal bond in the sum of Rs.25,000/- with two sureties of the like amount. The petitioner moved an application for modification of the said order and prayed to furnish one surety instead of two. Vide order dated 30.01.2017, the said application was allowed and the petitioner was permitted to furnish one surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent.

Nominal roll of the petitioner was called, as per which the petitioner was sentenced to undergo Rigorous Imprisonment for 10 years for the offence punishable under Section 506 IPC and 6 POCSO Act, The appeal preferred by the petitioner was dismissed by this Court on 03.06.2016. As on 06.09.2017, the petitioner has undergone 04 Years 08 Months and 18 days in incarceration and earned remission for 2 months and 13 days. The unexpired portion of sentence is 5 years 29 days (IFP).

Keeping in view the facts and circumstances of the present case, I deem it appropriate to allow the application. The petitioner is directed to be released on parole for a period of 15 days subject to furnishing personal bond in the sum of Rs.10,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent. The other conditions imposed vide order dated 24.10.2016 shall remain same.

Application stands disposed of.

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 15, 2017
gr