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

+ W.P.(CRL) 1795/2017

VIJAY @ RAJESH

..... Petitioner

Through Ms.Neha Kapoor, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through

Mr.R.S. Kundu, ASC with
Mr.Peeyush Bhatia, Adv. for state.
SI Manish Tyagi PS Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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20.07.2017

The petitioner had approached the competent authority for being released on parole for the purposes of providing assistance to his wife who is in urgent need of treatment on account of multiple cysts in her breast and pus accumulation. The request of the petitioner was not acceded to, making it incumbent upon the petitioner to approach this Court.

However, during the pendency of the present writ petition, the competent authority rejected the prayer of the petitioner on 19.07.2017. The order has been brought on record by Mr.R.S. Kundu, ASC. It appears that the request of the petitioner was turned down on the ground that the petitioner was involved in two other cases namely FIR No.379/2004 and FIR No.312/2008.

Learned counsel for the petitioner has drawn the attention of this

Court to the nominal roll which indicates that the petitioner is a convict under sections 302/392/394/397 of the IPC and has been sentenced to undergo RI for life. The petitioner has remained in jail for about 13 years by now and his conduct in jail has been satisfactory.

The petitioner was earlier released on parole and furlough by the competent authority on a number of occasions. However, the nominal roll further indicates that the petitioner was rearrested in another case No.594/2016 which was lodged under section 307/353/186 of the IPC on 21.08.2016, during the period that the petitioner was out on furlough.

Learned counsel for the petitioner has brought on record a copy of the FIR referred to above and the order granting bail to the petitioner in the aforesaid case. He has also submitted that in other two cases, about which reference has been made in the nominal roll, the petitioner is on bail.

The status report indicates that the assertion of the petitioner that his wife, during her post pregnancy period has developed complications and multiple cysts in her breast has been affirmed.

Taking into account the medical condition of the wife of the petitioner as also his conduct in jail which is shown to be satisfactory along with the period of custody undergone by the petitioner, this Court is inclined to release the petitioner on parole for a specified period.

Let the petitioner be released on parole for a period of four weeks, to be counted from the date of his release, on his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction Superintendent of the concerned jail.

The petitioner shall 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 his sureties' 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.
- e) He shall get his presence marked by the SHO of the concerned police station once a week preferably on Mondays at 11:00 a.m.

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.

Dasti.

ASHUTOSH KUMAR, J

JULY 20, 2017

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