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

+ W.P.(CRL) 3365/2016

SULTAN @ RAJESH

..... Petitioner

Through: Mr. Biswajit Kumar Patra &
Mr.Habib Rahman, Advocates.

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Advocate for
Mr.Rahul Mehra, Standing Counsel
for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
18.01.2017

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Status report is tendered in Court and taken on record.

Mr. Akhtar states that the permanent address of the petitioner has been verified. His wife and two daughters were found to be residing at the permanent address. The petitioner also has five brothers, whose names have been provided. Their families are also residing in the same village.

The petitioner is seeking parole to be able to file Special Leave Petition against the judgment dated 10.12.2014 dismissing his Crl. Appeal No.1506/2014. The petitioner is undergoing a life sentence in case FIR No.315/2009 under Section 302/ 392 IPC at PS – Jamia Nagar.

The nominal roll shows that the petitioner has been continuously in prison since 13.11.2009 firstly as an undertrial for 4 years, 7 months and 28 days and thereafter as a convict for over 2 ½ years. The petitioner has already been incarcerated for over 7 years. His jail conduct has been found to be satisfactory.

In these circumstances, merely because the petitioner does not have a local address, he cannot be denied parole to prefer a Special Leave Petition. Accordingly, the petitioner is directed to be released on parole for a period of four weeks to enable him to file a Special Leave Petition, subject to:

- i) The petitioner furnishing local surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- ii) The petitioner 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 during the period of parole. The same shall not be changed without prior intimation to the Jail Superintendent;
- iii) While the petitioner is in Delhi during the period of his parole, he shall report to the Jail Superintendent, Tihar Jail to mark his attendance once every week, i.e. every Monday at 11:00 a.m.;
- iv) While the petitioner goes to his village during the period of his parole, he shall report to the SHO of the local police station within whose jurisdiction his village is located, to mark his attendance once every week, i.e. every Monday at 11:00 a.m.;
- v) The petitioner shall duly surrender at the end of the period of parole;
- vi) The petitioner shall also not indulge in any criminal activity while on parole; and

vii) At the time of his surrender, the petitioner shall file proof of filing the Special Leave Petition before the Supreme Court.

The petition stands disposed of in the aforesaid terms.

A copy of this order be communicated to the petitioner through the Jail Superintendant.

JANUARY 18, 2017

B.S. Rohella

VIPIN SANGHI, J