

\$~36

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

+ W.P.(CRL) 1912/2017

GAYA PRASAD PAL @ MUKESH Petitioner

Through Mr. Sumeet Verma, Adv.

versus

STATE Respondent
Through Mr. Rajesh Mahajan, ASC with Mr.
Mohit Sharma, Adv.
ASI Surender, P.S. Vasant Vihar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **09.11.2017**

The petitioner is aggrieved by the order dated 26.05.2017 passed by the competent authority whereby his prayer for being released on parole for preferring SLP before the Supreme Court of India and for reconnecting social ties has been rejected. The fact that the petitioner has been convicted for raping his step daughter has weighed with the competent authority in rejecting the prayer for parole; perhaps, on the ground that his release would jeopardise the safety of the victim.

Learned counsel for the petitioner has drawn the attention of this court to the status report which indicates that he has remained in jail for about 4 years and has shown satisfactory conduct. The address of the petitioner has also been verified and found to be correct and existing. The wife of the petitioner was also asked whether she is agreeable to the release of the

petitioner for a specified period, to which she replied in the affirmative and stated that the victim of this case has already been married and stays with her husband.

The seriousness of the crime for which the petitioner has been convicted cannot be taken as a ground for rejecting the request of parole for a specified period.

Considering the period of custody undergone by the petitioner and his having shown satisfactory conduct in jail ever since, this court is inclined to release him on parole for a specified period.

The petitioner is directed to be released on parole for a period of 4 weeks, to be counted from the date of his release, subject to his furnishing a bond in the sum of Rs.10,000/- with one surety of the like amount, subject to the satisfaction of the concerned Jail Superintendent.

The petitioner shall, however, abide by the conditions listed below:-

- e) The petitioner shall surrender before the jail authorities on or before the expiry of the said period of parole.
- f) The petitioner shall not engage himself in any unlawful activity.
- g) 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.
- h) He shall furnish his and his surety's 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.

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.

ASHUTOSH KUMAR, J

NOVEMBER 09, 2017

ns