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

+ W.P.(CRL) 3554/2016

VICKY @ RAJKUMAR @ MUKESH @ VAQIL Petitioner

Through: Mr. Saurabh Kansal and Ms. Pallavi S
Kansal, Adv

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Adv for Mr. Rahul
Mehra, Standing Counsel, GNCTD
with SI Bharat Lal, PS Haus Khas

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

08.02.2017

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Issue notice. Mr. Akhtar accepts notice on behalf of Mr. Mehra for the State. He has tendered in Court the status report, which is taken on record.

The petitioner seeks parole to be able to file a SLP against the dismissal of his appeal by this Court on 23.05.2016. He also seeks parole to re-establish his social ties. The nominal roll on record shows that the petitioner has been convicted in case FIR 188/2012 u/s 395/412/341 registered at PS Haus Khas. He was sentenced to 7 years RI apart from fine. He was also sentenced to 3 years RI u/s 412 IPC with fine. The petitioner has already undergone over 4 years 6 months incarceration as on date. He has also earned remission of 8 months. His jail conduct is found to be satisfactory. The only reason for rejection of his parole that his address has not been verified.

It is the obligation of the State to verify the address provided by the convict while seeking parole/ furlough. If the same is not verified, the applicant cannot be made to suffer unduly. In any event, Mr. Akhtar submits that the address of the petitioner's father in Delhi and at native place in Bihar have both been got verified. In view of the aforesaid, the said objection does not survive.

In these circumstances, the petitioner is directed to be released on parole for a period of four weeks subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- ii) he 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. The same shall not be changed without prior intimation to the Jail Superintendent;
- iii) he shall report at the local police station to mark his attendance on every Monday at 11:00 a.m. during the period of parole;
- iv) he shall duly surrender at the end of the period of parole; and
- v) he shall not come in contact with the other co-accused in the case and also not indulge in any criminal activity while on parole.

VIPIN SANGHI, J

FEBRUARY 08, 2017

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