

\$~46

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

+ W.P.(CRL) 2044/2017

NESAR @ KOTHI Petitioner
Through: Mr.Sumeet Verma, Adv.

versus

STATE Respondent
Through: Mr.Ashish Negi for
Ms.Richa Kapoor, ASC for State.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **30.10.2017**

The petitioner is aggrieved by the order dated 30.05.2017 passed by the competent authority whereby his prayer for being released on parole for the purposes of re-establishing social ties, has been rejected. In the order impugned, law and order problem has been cited as the primary reason for rejecting the request of the petitioner.

From the nominal roll, it appears that the petitioner has remained in jail for more than 6 years by now and has displayed satisfactory conduct. The petitioner has been convicted under Sections 376(2)(G) of the IPC and has been sentenced to undergo RI for 10 years, to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo further simple imprisonment for a period of 3 months.

The address of the petitioner has been verified and has been found to be existing and true.

Taking into account the period of confinement of the petitioner in jail

and his satisfactory conduct, this Court is inclined to release the petitioner 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, on his furnishing a bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Superintendent of the concerned jail.

The petitioner shall, however, 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.

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

OCTOBER 30, 2017/Bisht