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

+ W.P.(CRL) 2223/2017

PRADEEP

..... Petitioner

Through: Mr. Dhan Mohan, Ms. Tanu B. Mishra and
Ms. Meena Chaudhary, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for Ms. Nandita
Rao, ASC (Cri.) for GNCTD.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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01.09.2017

The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.PC *inter alia* praying for issuance of writ of mandamus granting parole to the petitioner for a period of three months for maintaining social ties and arranging funds for the same.

Status report has been filed by the State.

Perusal of the nominal roll of the petitioner shows that he is undergoing a sentence of 5 years Rigorous Imprisonment with fine of Rs.1,000/- for offence under Section 363 IPC, 10 years Rigorous Imprisonment with fine of Rs.5,000/- for the offence under Section

376 (2) (f) IPC, 7 Years Rigorous Imprisonment with fine of Rs.2,000/- for the offence under Section 377 IPC and 3 years Rigorous Imprisonment with fine Rs.1,000/- for the offence under Section 506 IPC in case FIR No.278/2012 under Section 363/376(2)(f)/377/506 IPC registered at Police Station – Adarsh Nagar.

The petitioner has already undergone 04 years 09 month and 28 days of incarceration and also earned remission of 07 months and 02 days as on 29.08.2017. The unexpired portion of the sentence is 04 years 07 months. The petitioner was also granted parole for four weeks from 28.10.2016 to 26.11.2016 by this Court on earlier occasion. The jail conduct of the petitioner has been found to be satisfactory.

The appeal preferred by the petitioner was dismissed vide order dated 24.05.2016 of this Court.

The status report filed by the State goes to show that the address provided by the petitioner has been got verified and it was found that the family of the petitioner was staying there. It is further stated that the family of the petitioner is very poor and the petitioner has responsibility of three minor children of aged about 9 years, 7 years and 5 years

In these circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of three weeks, subject to :

- i) his furnishing personal bond with one local surety in the sum of Rs.25,000/- to the satisfaction of the Jail Superintendent;
- ii) he shall report at the local police station to mark his attendance on every Friday at 11:00 a.m. during the period of parole;

- iii) he shall duly surrender at the end of the period of parole;
- iv) 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;
- v) he shall also not indulge in any criminal activity during the period of parole.

Copy of this order be given dasti, as prayed.

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

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 01, 2017

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