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

+ W.P.(CRL) 13/2017

ALLU @ MUSHARAFF

..... Petitioner

Through: Mr. M.L. Yadav, Advocate

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Adv for Mr. Rahul Mehra, Standing Counsel, GNCTD with SI Ravi Kumar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

04.01.2017

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Issue notice. Mr. Akhtar accepts notice on behalf of the State. This petition has been preferred to seek parole for a period of three months to enable him to prefer a SLP before the Supreme Court from the judgment of this court partly dismissing his criminal appeal on 27.05.2016. The nominal roll on record shows that the petitioner was initially convicted u/s 392/397/411 IPC and section 25/27 of Arms Act. The maximum sentence awarded to the petitioner was 7 years RI u/s 397 IPC. In appeal before this court, the conviction u/s 397 IPC was set aside. The maximum sentence was reduced to 3 years RI with fine. The petitioner has undergone 1 year 10 months and 14 days incarceration as on 30.11.2016, which includes more than a year post conviction after accounting for remission earned by him. The unexpired portion of the sentence is 8 months and 22 days. The jail conduct of the petitioner is found to be satisfactory.

Mr. Akhtar has tendered the status report which is taken on record. The address of the petitioner has been got verified. The petitioner has two brothers who work in factories. His father is also a daily wager.

In view of the aforesaid, there is no justification to deny parole to the petitioner. Accordingly, the petition is allowed. The petitioner is directed to be released on parole for a period of four weeks subject to:

- iv) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the Jail Superintendent;
- v) 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;
- vi) 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;
- vii) he shall duly surrender at the end of the period of parole;
- viii) he shall provide the proof of filing of SLP before the Supreme Court; and
- ix) he shall also not indulge in any criminal activity while on parole.

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

VIPIN SANGHI, J

JANUARY 04, 2017

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