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

+ W.P.(CRL) 2365/2017

ADITYA @ VICKY

..... Petitioner

Through: Mr.Vineet Malhotra & Mr.Sagar Diwan,
Adv.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr.Rahul Mehra, Standing Counsel for
State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

23.08.2017

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The present petition has been filed by the petitioner inter alia praying for issuance of writ of mandamus granting parole to the petitioner for a period of two months to perform last rituals of his deceased father who expired on 16.08.2017.

Status report has been filed by the State.

Nominal roll of the petitioner has also been received from concerned Superintendent Jail.

Perusal of the nominal roll of the petitioner shows that he is undergoing a sentence of 10 years Rigorous Imprisonment and a fine of Rs.50,000/- for offence under Section 376 IPC and 2 years Rigorous Imprisonment for offence under Section 506 IPC with fine of Rs.2,000/- in case FIR No.303/2011 under Section registered at police station-Rani Bagh, Delhi.

The petitioner has already undergone 5 years 1 month and 7 days of incarceration and also earned remission of 1 year, 2 months and 18 days as on 22.08.2017. The unexpired portion of the sentence is 8 months 5 days (IFP). The jail conduct of the petitioner has been found to be satisfactory.

The appeal preferred by the petitioner was dismissed vide order dated 17.09.2015 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 found to be correct. The Investigating Officer has recorded the statement of neighbours and the cremation slip provided by wife of deceased has been verified from cremation ground official who confirmed the death of his father.

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

AUGUST 23, 2017/ssc