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

+ **W.P.(CRL) 3002/2017**

RAJARSHI DAS

..... Petitioner

Through: Mr.Sudarshan Rajan, Mr.Arjun
Gadhoke & Ms.Swapneswari Sahoo,
Advocates

versus

THE STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Rahul Mehra, St.Counsel for the
State with Mr.Jamal Akhtar, Adv.
With SI Kamal Singh PS Amar
Colony

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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14.11.2017

1. The present writ petition has been filed by the Petitioner from Jail praying for grant of parole for the purpose of filing SLP and reconnecting social ties with the family & society.
2. Notice. Mr.Rahul Mehra, Standing Counsel (Crl.) for the State accepts notice of this writ petition and furnishes the status report verifying the address of the petitioner to be correct.
3. Learned counsel for the Petitioner submits that the Petitioner had made representation to the Respondent/State praying for grant of parole which has been rejected by the Respondent vide order No.F.18/129/17/HG/5552 dated 10th October, 2017.

4. Learned counsel for the Petitioner further submits that in terms of Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi, it is open to the Government to consider the applications for grant of parole inter alia on various grounds which also includes the ground of filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be. He further submits that in the present case also, the Petitioner is seeking parole for filing SLP before the Supreme Court which is covered by ground 9.7, therefore, the present Petitioner may be granted parole for the said purpose. The said guideline reads as under:-

“9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”

5. Learned counsel for the Petitioner further submits that the Petitioner undertakes to abide by any condition deemed fit by this Court while considering his prayer.

6. As per nominal roll, the overall jail conduct of the Petitioner as well as jail conduct in last one year is mentioned as ‘Satisfactory’.

7. On behalf of the State, it has been submitted by learned Standing Counsel that appropriate order may be passed keeping in view Parole/Furlough Guidelines-2010 issued by the Government of National Capital Territory of Delhi.

8. Considering the facts and circumstances of the case and the fact that the Petitioner is seeking parole for the purpose of filing SLP before the Supreme Court, which is permissible under the guidelines, the prayer for

grant of parole is allowed and the Petitioner is granted parole for a period of four weeks from the date of his release to enable him to file SLP in the Hon'ble Supreme Court, on his furnishing personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions:-

(i) Since the petitioner is convicted in case FIR No.B-914/14 under Sections 54-A(B), 54-A(C), 54-A(D) of POD Act at PS NEGOMBO, Sri Lanka, he shall inform about his place of residence and his contact numbers i.e. mobile, landline or both to the SHO of the concerned Police Station under the jurisdiction of which the Petitioner shall stay during the period of parole. It would be open to the concerned SHO to verify the address and the contact numbers and to seek cancellation of parole in case it is found to be incorrect.

(ii) During the period of parole, the Petitioner shall remain in Delhi and he shall not cross the border/limits of NCT of Delhi.

(iii) The Petitioner shall submit proof of filing of the Special Leave Petition to the SHO of the concerned Police Station with the name of counsel who filed the SLP.

(iv) While submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside in Delhi during the period of parole as well as the contact numbers.

9. It is, however, made clear that on expiry of the parole period, the Petitioner shall surrender before the concerned Jail Superintendent, who shall submit the surrender report to this Court along with the particulars of the SLP filed by the Petitioner before the Supreme Court.

10. Writ Petition stands allowed in the above terms.
11. The Petitioner be informed through the Jail Superintendent about the order passed.

Order *dasti*.

PRATIBHA RANI, J.

NOVEMBER 14, 2017
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