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

+ **W.P.(CRL) 1032/2018**

PYARE LAL

..... Petitioner

Through : Mr.Simon Benjamin, Advocate

versus

STATE

..... Respondent

Through : Ms.Jyoti Babbar, counsel for Mr.Avi Singh,
ASC.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **11.04.2018**

CrI.M.A.No.6409/2018 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 1032/2018

1. Present writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for modification of the condition whereby he has been directed to furnish surety in the sum of ₹10,000/-. It is contested by the respondent.
2. I have heard the learned counsel for the parties and have examined the file. The petitioner was granted furlough on his

furnishing two sureties in the sum of ₹10,000/- each by an order dated 05.07.2017. On moving the application before the competent authority by the petitioner showing inability to furnish two sureties, by an order dated 18.09.2017, it reduced to one.

3. The petitioner now intends to furnish cash in lieu of surety bond which was not accepted by the competent authority. Nominal roll dated 16.02.2018 reveals that the petitioner was convicted under Section 376(2) (F) IPC and was sentenced to undergo rigorous imprisonment for ten years with fine ₹10,000/-. Since the allegations against the petitioner are serious and grave, release on deposit of ₹10,000/- in lieu of surety bond is not desirable as possibility of the petitioner to surrender after availing furlough period would be doubtful. Mere deposit of cash is not enough to ensure that the petitioner would surrender upon expiry of furlough period. The conditions imposed for release on furlough is not unreasonable to interfere with.

4. The writ petition being unmerited is dismissed.

S.P.GARG, J.

APRIL 11, 2018 / sa