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

+ W.P.(CRL) 1386/2018

RAHUL DEV

..... Petitioner

Through : Mr.Kartickay Mathur, Advocate with
Mr.Sanket Gupta, Advocate.

versus

STATE

..... Respondent

Through : Mr.Rahul Mehra, Standing counsel with
Mr.Jamal Akhtar, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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23.05.2018

CRL.M.A.No. 8417/2018 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1386/2018

1. Present writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioner to reduce the surety amount and release him on furnishing personal bond and deposit of cash surety. Status report filed; it is taken on record.

2. I have heard the learned counsel for the parties and have examined the file. Nominal Roll dated 20.04.2018 reflects that the

petitioner was convicted under Sections 302/201 IPC and was sentenced to undergo imprisonment for life with fine ₹7,000/-. Crl.A.229/2015 was dismissed by this Court on 31.05.2017. The petitioner has undergone eight years, nine months and twenty-seven days incarceration besides remission for one year, three months and eleven days as on 20.04.2018. He is not involved in any other criminal case and is not a previous convict.

3. The petitioner has produced on record photocopy of letter No.F.18/171/2017/HG/7192 dated 20.12.2017 (Annexure 'P-2') whereby the competent authority approved release of the petitioner on furnishing the personal bond and / or on depositing cash security of ₹4,000/- in lieu of one surety with waving of condition No.2 i.e. the convict must have availed any parole / furlough in the past and condition No.1 i.e. in case the convict fails to arrange surety bond to release, the personal bond may be accepted after a lapse of two months from the date of parole.

4. It is now informed by the petitioner that he has been granted three weeks furlough on his furnishing two sureties in the sum of ₹10,000/- along with a personal bond, the petitioner expresses his inability to arrange the two sureties.

5. On perusal of the order (annexure 'P-2'), learned Standing Counsel was fair enough that the conditions must be modified.

6. Since, earlier the petitioner was permitted to furnish personal bond along with cash security of ₹4,000/- and there are no allegations if the petitioner misused the liberty or did not surrender on the expiry

of the parole / furlough period, the petitioner cannot be burdened to furnish two sureties of ₹10,000/- each this time. The impugned order declining the rejection of the prayer of the petitioner by an order dated 06.04.2018 is without any basis.

7. Accordingly, the petitioner is permitted to furnish personal bond and cash security of ₹4,000/- to avail the benefit of the furlough order. The condition whereby he was directed to furnish two sureties is set aside.

8. The petitioner, of course, shall surrender on expiry of the furlough period.

9. The writ petition stands disposed of.

S.P.GARG, J.

MAY 23, 2018 / tr