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

+ W.P.(CRL) 158/2018

KANHIYA LAL YADAV

..... Petitioner

Represented by: Ms. Sunita Arora, Advocate.

versus

STATE

..... Respondent

Represented by: Ms. Kamna Vohra, ASC for
State with SI Vijay Kumar, PS
Mayur Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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17.01.2018

Crl.M.A. No. 951/2018 (Exemption)

Allowed, subject to all just exceptions.

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Notice.

Learned ASC for State accepts notice.

By this petition, the petitioner challenges the order dated 13th October, 2017 passed by the Director General, Delhi Prisons rejecting the application of the petitioner seeking modification of the order dated 15th September, 2017 by the competent authority granted him first spell of furlough for a period of three weeks.

The three weeks' furlough was granted to the petitioner on 15th September, 2017 subject to the condition that the petitioner will furnish personal bond and surety bond for a sum of ₹10,000/- each to the satisfaction of the Superintendent, Central Jail No. 14, Mandoli, Delhi.

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Petitioner sought that this condition of surety bond be converted to cash surety. A perusal of the record reveals that earlier also when the State Government granted parole to the petitioner vide the 10th April, 2017 for a period of four weeks subject to furnishing a personal bond and surety bond for a sum of ₹4,000/-, the petitioner could not arrange the surety bond and on an application filed by the petitioner before the competent authority the condition was modified and the petitioner was permitted to deposit cash surety in lieu of the surety bond. However, when the furlough was granted to the petitioner for a period of three weeks on 15th September, 2017 the request for modification of surety bond to cash surety was declined.

A perusal of the nominal roll reveals that the petitioner was granted parole for a period of four weeks by this Court on 12th August, 2015 followed by four spells of furlough in the year 2016 and one furlough and parole for four weeks in the year 2017. The second furlough granted on 15th September, 2017 for a period of three weeks could not be availed of.

Whenever the petitioner has been granted parole/furlough there is no allegation that he misused the concession granted to him.

Considering the past conduct of the petitioner and that earlier also when the surety bond was modified to that of cash surety, the petitioner surrendered in time, this Court deems it fit to modify the order dated 15th September, 2017. All other conditions remaining the same, the petitioner be now released on furlough for a period of three weeks on his furnishing personal bond for a sum of ₹10,000/- with cash surety of ₹10,000/- to the satisfaction of Superintendent, Central Jail No.14, Mandoli, Delhi.

Petition is disposed of. Order dasti.

Copy of the order be communicated to the petitioner through superintendent, Mandoli Jail, Delhi.

MUKTA GUPTA, J.

JANUARY 17, 2018/‘yo’