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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 779/2019
LOKESH MISHRA Petitioner
Through: Ms.Neha Kapoor, Advocate.

versus

STATE OF NCT OF DELHI Respondent
Through: Ms.Kamna Vohra, ASC for State with
SI Ranjit Tokas, PS Defence Colony.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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19.03.2019

The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 Cr.PC *inter alia* seeking a writ in the nature of mandamus or a direction to respondent to grant parole to the petitioner in case FIR No. 161/2008 under Sections 376/506 of the Indian Penal Code registered at Police Station – Defence Colony on the ground to attend last rites of his mother.

Status report has been filed by the State.

Nominal roll of the petitioner has been filed.

Perusal of the nominal roll of the petitioner shows that he is undergoing a sentence of 10 year Rigorous Imprisonment and a fine of Rs.5,000/- for offence under Sections 376/506 of Indian Penal Code, 1860 (IPC) in case FIR No.161/2008 registered at police station-Defence Colony.

The petitioner has already undergone 08 years 04 months and 09 days of incarceration and also earned remission of 01 year 03 months and 11 days as on 18.03.2019. The unexpired portion of the sentence is 04 months and

10 days. The jail conduct of the petitioner has been found to be unsatisfactory.

The status report regarding verification of death of petitioner's mother filed by the State goes to show that the mother of the petitioner has expired on 04.03.2019 and "Brahm Bhoj" is to be scheduled on 21.03.2019 at Village Shakti Bhairon, Tehsil Nivadi, PS Sendri, District Tikamgar, Jhansi, U.P. Same has been verified.

In these circumstances, the present petition is allowed. The petitioner is directed to be released on parole for a period of ten days, 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 duly surrender at the end of the period of parole;
- iii) 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;
- vi) 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

MARCH 19, 2019
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