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

+ **W.P. (CRL) 3468/2019**

ALAM @ MAMOON

..... Petitioner

Through: Mr Dhan Mohan, Advocate.

versus

STATE

..... Respondent

Through: Ms Richa Kapoor, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.05.2020

CRL. M.A. 6166/2020

1. Allowed, subject to all just exceptions.

W.P. (CRL) 3468/2019 & CRL. M.A. 6165/2020

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) kindly issue a writ of mandamus or any other writ directing the respondent release the petitioner on 1st Spell furlough of the year 2019 for social ties.”

3. The petitioner impugns an order dated 23.08.2019, whereby his application for grant of furlough was denied on the ground that he is a Bangladeshi National. The petitioner claims that the said premise is incorrect and he is an Indian Citizen. He further states that his sister holds an Indian Passport and this also establishes that she is a citizen of India as well.

4. After some arguments Ms Kapoor, learned ASC appearing for the State submits that the petitioner may be granted the first spell of furlough

while keeping the question regarding his nationality, open.

5. In view of the above, the present petition is allowed and the petitioner is directed to be released on first spell of three weeks of furlough for the year 2020. This would be subject to the petitioner furnishing a Personal Bond in the sum of ₹5,000/-. In addition, the petitioner shall also abide by the following conditions:-

- a) the petitioner shall surrender before the Jail Authorities on or before the end of the period of furlough;
- b) the petitioner shall not engage himself in any unlawful activity;
- c) the petitioner will not leave the National Capital Region of Delhi without informing the officer incharge of the concerned police station; and
- d) the petitioner shall also provide a contact number and ensure that he is reachable on the said number at all times.

6. The concerned authorities shall act on this order being uploaded on the website of this court, without any further communication.

VIBHU BAKHRU, J

MAY 08, 2020

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