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

+ **W.P.(CRL) 247/2020**

DOODNATH

..... Petitioner

Through: Mr Pranjal Shekhar, Advocate for Mr
Anwesh Madhukar, Advocate
(DHCLSC).

versus

STATE

..... Respondent

Through: Mr Rajesh Mahajan, ASC for State
with Ms Shrestha Vedi, Advocate
with SI Sandeep Shrivastava, PS
Gulabi Bagh, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 10.07.2019, whereby the petitioner's application seeking modification of the terms of furlough was rejected.
2. The petitioner had applied for first spell of furlough and was granted the same by an order dated 10.07.2019. However, the same was subject to the petitioner fulfilling certain conditions including furnishing one surety of ₹10,000/- along with a Personal Bond. According to the petitioner, he was unable to secure a surety and, therefore, he applied for modification of the said order requesting that he be released on a cash surety of ₹10,000/-. The said request was denied by an order dated 18.10.2019. The petitioner again made a similar request, which was rejected by an order dated 06.12.2019.

3. Aggrieved by the same, the petitioner has filed the present petition.
4. The petitioner was convicted of an offence under Section 376 of the IPC and was sentenced to serve ten years of rigorous imprisonment and a fine of ₹18,000/-. It is seen that the petitioner had already served eight years three months and six days as on 20.12.2019. During this period, he has also earned remission of ten months and eight days. The petitioner was required to serve a further period of ten months and sixteen days as on 20.12.2019. Thus, the petitioner is required to serve further period of approximately 09 months as on date. It is seen that the petitioner was released on parole on two prior occasions and there is no allegation that he has misused his liberty. His conduct in the jail has also been satisfactory.
5. In view of the above, this Court considers it apposite to allow the present petition. Accordingly, the order dated 10.07.2019 passed by the competent authority is modified to the limited extent and the petitioner is directed to be released on furlough on furnishing cash surety of ₹10,000/- instead of a surety of the said sum. All other conditions including furnishing of a Personal Bond, as stipulated in the order dated 10.07.2019, continue to be applicable. This is also subject to the petitioner's address being verified.
6. The petition is allowed in the aforesaid terms.
7. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

JANUARY 28, 2020
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