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via Video-conferencing

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

+ W.P. (CRL.) 873/2020
SANJAY

..... Petitioner

Through: Ms. Manika Tripathy Pandey,
Advocate.

versus

THE STATE OF NCT OF DELHI

.... Respondent

Through: Ms. Kamna Vohra, ASC for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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01.07.2020

The petitioner, who is a convict in case FIR No.1452/2014 registered under sections 506/342 IPC and section 6 of POCSO Act at PS: Aman Vihar, Delhi and was sentenced to 10 years rigorous imprisonment in addition to a total fine of Rs. 8,000/- *vidé* sentencing order dated 03.03.2017, seeks emergency parole on the ground of the prevalent pandemic in prison.

2. Status reports dated 06.06.2020, 09.06.2020, 11.06.2020 and 01.07.2020 have been filed in the matter where the State has *inter alia* verified various addresses furnished by the petitioner, where according to the petitioner, he was intending to stay, if granted parole. Nominal roll dated 08.06.2020 has also been received from the jail.

3. Ms. Manika Tripathy Pandey, learned counsel for the petitioner submits that the State was requested lastly to verify a certain address in Uttar Pradesh; however as per the latest status report dated 01.07.2020, it is stated that the petitioner's father Raju s/o Ram Bachan could not produce any 'legal reliable document' suggesting that his family resides at the said address in U.P. The latest status report however confirms that on enquiry, it was revealed that the petitioner's father resides alongwith his family at House No.Z-295, Prem Nagar-IIInd, Near DSM School, Delhi.

4. Ms. Pandey submits that although due to the lockdown the petitioner's family had shifted to their native place in U.P., after easing of restrictions, the family has shifted back to their Prem Nagar address in Delhi ; and that in the event of his release on parole, the petitioner would reside at the said address in Delhi. On being queried, Ms. Pandey further confirms that petitioner's father would also be willing to stand surety for him.

5. Ms. Kamna Vohra, learned ASC states that while the petitioner's address in Delhi stands verified, the reason for which the State would oppose grant of parole, which is also why parole was declined by the Jail Administration, is that the petitioner has been convicted for a very heinous offence *inter alia* under section 6 of POCSO Act; and he also resides in the vicinity of the victim.

6. Nominal roll dated 08.06.2020 received from the Jail Superintendent shows that the petitioner has undergone about 05 years

and 05 months out of the 10-year sentence awarded to him ; that his conduct in jail is ‘satisfactory’ and he serves as store *sahayak* ; and also that he has so far never availed interim bail or parole or furlough in the matter.

7. A copy of order dated 28.02.2020 made in Crl. M.A. No. 3945/2020 in Crl. A. No.717/2017 records that the petitioner has also withdrawn the criminal appeal filed in the matter.

8. Considering the overall facts and circumstances of the case, this court is persuaded to grant to the petitioner *parole* for a period of 45 (forty-five) days from the date of his release, subject to the following conditions:

- a. The petitioner shall furnish a personal bond in the sum of Rs.15,000/- with 01 surety in the like amount by his father, to the satisfaction of the Jail Superintendent ;
- b. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;
- c. The petitioner shall present himself before the SHO PS: Aman Vihar, Delhi every Saturday between 11 am and 11:30 am to mark his presence. However, the petitioner shall not be kept waiting at the police station for more than one hour for this purpose.
- d. The petitioner shall furnish to the SHO a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times ;

- e. The petitioner shall not contact nor visit nor interact with the victim/prosecutrix in any manner. The petitioner shall not indulge in any unlawful act or omission.
 - f. Upon expiry of the period of parole, the petitioner shall surrender before the concerned Jail Superintendent.
- 9. Petition stands disposed of in the above terms.
 - 10. Pending applications, if any, also stand disposed of.
 - 11. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J

JULY 01, 2020

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