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

+ **W.P.(CRL) 149/2024**

VASUDEV

..... Petitioner

Through: **Mr. Shannu Baghel & Mr. Sudhir Kumar, Advocates.**

versus

STATE GNCT OF DELHI

..... Respondent

Through: **Mr. Rahul Tyagi, ASC (Crl.) for the State with Ms. Priya Rai, Mr. Sangeet Sibou, Mr. Jatin, Mr. Aashish Chojar, Advocates.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.01.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“i) Writ in the nature of Mandamus seeking modification of the order F.10 (3506570)/CJ/LEGAL / PHQ /2023/ 755711 dated 14.12.2023 passed by the respondent and directing the respondent to release the petitioner on 2nd spell of furlough for a period of 02 weeks on furnishing personal bond of Rs.4000/- only instead of furnishing surety bonds before the Jail Superintendent, Central Jail No. 14, Mandoli. And/or

ii. To Pass the direction to the respondent in respect of petitioner should be released on the cash surety as per earlier orders by which petitioner do not face the same situation while considering the parole and furlough application.

iii. Any other order or direction may kindly be passed which this Hon'ble Court deems fit and proper in the facts of the case of justice.”

2. Learned counsel appearing on behalf of the petitioner submits that



despite the order granting second spell of furlough to the petitioner for the period of 02 weeks on his furnishing a personal bond of Rs. 4,000/- with one surety of like amount, the latter could not avail the benefit of the same on account of the fact that he has no surety, who can furnish the bail bond on his behalf.

3. Attention of this Court is drawn to the order dated 18.09.2023, passed by a coordinate Bench of this Court in W.P. (CRL) 2680/2023, whereby the present petitioner was permitted to released on first spell of furlough on his furnishing a personal bond.

4. In view of the above, the order F.10 (3506570)/CJ/LEGAL/PHQ /2023/755711 dated 14.12.2023 passed by the Office of the Director General of Prisons, Prison Head Quarters, Tihar, Janak Puri, New Delhi is modified to the extent that the present petitioner be released on second spell of furlough on his furnishing a personal bond of Rs. 4,000/- to the satisfaction of the concerned Jail Superintendent.

5. The petition is partly allowed and disposed of accordingly.

6. Pending applications, if any, also stand disposed of.

7. Order be uploaded on the website of this Court *forthwith*.

8. Order be sent to concerned Jail Superintendent for necessary information and compliance.

AMIT SHARMA, J

JANUARY 29, 2024/bsr