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

+ W.P.(CRL) 828/2024 & CRL.M.A. 7716/2024
RAJESH@ SUDAMA Petitioner

Through: Mr. Zeeshan Diwan,
Advocate
(DHCLSC) with
Mr. Ahmed Faraz,
Advocate.

versus

STATE (G.N.C.T. OF DELHI) Respondent

Through: Ms. Rupali
Bandhopadhyay,
Additional Standing
Counsel for the
State alongwith SI
Braham Prakash (PS
Sultan Puri).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
12.03.2024

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1. The present petition is filed under Article 226 of the Constitution of India read with Section 445/482 of the Code of Criminal Procedure, 1973 seeking modification of the order dated 10.11.2023, passed by Office of the Director General of Prisons, Prison Headquarters, Tihar, Janakpuri, New Delhi.
2. By the order dated 10.11.2023, the petitioner was directed to be released on furlough for a period of three weeks on furnishing a personal bond for a sum of ₹10,000/- with one surety of the like amount.
3. The present petition is filed seeking modification of the said condition to the extent that the petitioner be released on furnishing the personal bond and be not insisted to furnish one surety of the like amount.
4. The Learned counsel for the petitioner submits that on an



earlier occasion, the brother of the petitioner used to give surety for his release. He submits that this time, none of the petitioner's family members are willing to give any surety.

5. The learned counsel submits that the petitioner in such circumstances cannot be made to stay in custody despite the benefit of order of furlough having been granted in terms of the provisions of Delhi Prison Rules, 2018.

6. In terms of Rule 1219 of the Delhi Prison Rules, 2018, in case, the convict is not able to furnish the surety within a period of four weeks from the date of the order, the Superintendent, after considering the application by the convict, shall release the convict on personal bond and on any other reasonable conditions, without insisting on furnishing of the surety.

7. He submits that an application under Rule 1231 of the Delhi Prison Rules, 2018, was in fact filed in the month of December, 2023, however, no order has been passed till date.

8. The learned Additional Standing Counsel for the State fairly submits that the present petition would be treated as an application under Rule 1231 of the Delhi Prison Rules, 2018 and an appropriate order would be passed within a period of ten days from the date.

9. In view of the above, no order is required to be passed at this stage.

10. The petitioner is at liberty to approach this court in case any grievance remains.

11. The present petition is disposed of in the aforesaid grounds.

AMIT MAHAJAN, J

MARCH 12, 2024

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