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

+ W.P.(CRL) 1174/2024

VIKAS TOKAS @ VICKY

..... Petitioner

Through: Mr.Kunal Malhotra,
Mr.Ravinder Gaur,
Mr.Himanshu Kaushik,
Mr.Sachin Khatkar,
Ms.Aanchal Saini &
Mr.Aaransh Pathak, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Amol Sinha, ASC (Crl.) for
State with Mr.Kshitiz Garg,
Mr.Ashvini Kumar & Ms.Chavi
Lazarus, Advs.
Insp. Rahul Raushan, PS
Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

08.05.2024

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1. This petition has been filed under Article 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the petitioner to be released on Furlough for a period of (3) three weeks from the date of his release.
2. The petitioner had filed an application with the Competent Authority for being released on furlough, however, the same was rejected by an order dated 07.03.2024, on the ground that the petitioner had filed a Special Leave Petition before the Supreme Court challenging his conviction.
3. The petitioner asserted that he had not filed any appeal or



challenge to his conviction. This fact has now been verified by the respondent, and a status report dated 06.05.2024 has been filed in this regard.

4. The status report further states that earlier, by an order dated 01.12.2023 passed in W.P. (Crl.) 1010/2023, the petitioner had been released on furlough for a period of two weeks subject to the conditions contained therein. The petitioner, however, did not report to the Police Station: Vasant Vihar, nor provided his mobile number. However, it is not denied that the petitioner did duly surrender on the expiry of the period of furlough granted to him.

5. Keeping in view the above, the petitioner is directed to be released on furlough for a period of (3) three weeks from the date of his release in FIR No.139/2011 registered at Police Station: Vasant Vihar for offence under Section 302/34 of the Indian Penal Code, 1860 and Sections 25/24/59 of the Arms Act, 1959, subject to the petitioner furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety in the like amount from a family member or friend, to the satisfaction of the Jail Superintendent, and further subject to the following conditions:-

- i. The petitioner shall not leave the State of NCT of Delhi without permission of the court and shall ordinarily reside at the address as per prison records/ as mentioned in the present petition.
- ii. The petitioner shall present himself before the S.H.O., P.S.: Vasant Vihar, Delhi every Monday between 11:00 AM and 11:30 AM to mark his presence. However, he



will not be kept waiting longer than an hour for this purpose.

- iii. The petitioner shall furnish to the S.H.O., P.S: Vasant Vihar, Delhi a cell-phone 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;
- iv. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent;
- v. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice any pending proceedings;
- vi. The petitioner shall duly surrender before the concerned Jail Superintendent, on the expiry of three weeks of furlough from the date of his release on or before 04:00 PM.

6. It is further made clear that the petitioner must comply with the conditions stipulated hereinabove, and any non-compliance observed shall be strictly viewed and for future shall be a ground for the refusal of furlough.

7. The petition is allowed on the above terms.

8. A copy of this order be sent to the concerned Jail Superintendent for information and ensuring compliance.

NAVIN CHAWLA, J

MAY 8, 2024/rv

Click here to check corrigendum, if any