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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1980/2023**

RAKESH@DIWAN

.....Petitioner

Through: Mr. Shanu Baghel, Advocate
(through vc) with Mr. Sudhir Kumar,
Mr. Ganpal Ram, Mr. Vivek Kumar,
and Mr. Yogesh Luhera, Advocates.

versus

STATE OF (GNCT OF DELHI)

.....Respondent

Through: Mr. Rahul Tyagi, ASC.
SI Prem Prakash Singh, PS Okhla
Industrial Area.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

07.10.2024

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1. By way of the present petition, the petitioner seeks directions for being released on his first spell of furlough for a period of three weeks.
2. Learned counsel for the petitioner states that vide judgement dated 19.12.2019, the petitioner is convicted for an offence punishable under Section 6 of the POCSO Act and vide order on sentence dated 18.01.2020, the petitioner is directed to undergo rigorous imprisonment for a period of 14 years alongwith fine of Rs.10,000/-, in default of payment of fine, he has been directed to further undergo simple imprisonment for six month in FIR No. 513/2023 registered at P.S. Okhla, Delhi.

Learned counsel for the petitioner submits that the petitioner's representation came to be rejected by the impugned order dated 07.06.2023 passed by the Office of Director General of Prisons, Tihar, New Delhi. While referring to the nominal roll of the petitioner, he states that the



petitioner has already undergone incarceration for a period of around 12 years including the period of remission and has earlier been released on parole w.e.f. 20.05.2022 to 16.07.2022, the concession which he has not misused and surrendered in time.

2. Learned ASC for the State, while referring to the Status Report, submits that the petitioner's address stands verified. He also submits that nothing adverse has been brought in the petitioner's jail conduct as depicted in nominal roll or his Social Investigation Report.

3. Considering the aforesaid, the petition is allowed and the petitioner is directed to be released on his 1st Spell of furlough for a period of three weeks from the date of his release, on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent, subject to the following conditions:

- (i) Petitioner shall report to the concerned SHO once a week on every Monday during the period of parole.
- (ii) Petitioner shall furnish his telephone number to the SHO concerned, which he will keep operational at all times.
- (iii) Petitioner shall surrender before the Jail Authorities at the expiry of the period of parole.

4. The petition is disposed of in the above terms.

5. A copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

MANOJ KUMAR OHRI, J

OCTOBER 7, 2024/mk