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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2181/2024**

PAWAN @AMIT @ TINKU

.....Petitioner

Through: Mr.Shannu Baghel, Mr.Sudhir Kumar,
Mr.Ganpast Ram and Mr.Vivek
Kumar,Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Abhijeet Kumar, Advocate for
Ms.Rupali Badhopadhy, ASC for
State with SI Bhupender Singh PS
Anand Parbat.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.08.2024

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1. Pursuant to the previous order dated 31.07.2024, it is informed that the Jail Superintendent did allow petitioner to contact his brother-in-law to provide the surety for being released on furlough, however, the brother-in-law refused to acknowledge the petitioner and stated that he had called on a wrong number.
2. In these circumstances, petitioner presses for his plea for modification of order dated 10th January, 2024 and dated 7th March, 2024 for granting furlough, on personal bond and cash surety.
3. Latest Nominal Roll is on record. As per the same, there is no other involvement.
4. Petitioner has been sentenced to life in FIR No.44/2011 PS Anand



Parbat under Sections 376/342 IPC and has already served about 12 years.

5. Petitioner was released on emergency parole of eight weeks from 23rd May, 2020 to 17th July, 2020 during the COVID-19 pandemic and was extended from time to time. The date of surrender was 19th February, 2021 but he did not surrender and was arrested on 18th November, 2021. Circumstances were evidently due to the issues that arose during the pandemic and therefore should not work to the disadvantage of the petitioner.

6. Considering that he has attempted to obtain surety but has failed to do so, the Court is inclined to modify the orders dated 10th January, 2024 as further modified *vide* order dated 7th March, 2024, by granting furlough to the petitioner for a period of three weeks upon furnishing a personal bond of Rs.10,000/- and a cash surety of the same amount to the satisfaction of the Jail Superintendent.

7. Considering that the petition had been moved on 23rd July, 2024, learned counsel for petitioner states that this furlough may be treated as a part of the previous conviction year, which expired on 3rd August, 2024.

8. The plea is accordingly allowed. in view of the fact that petitioner has moved the petition in July, 2024 for modification of the order which was originally passed on 10th January, 2024, modified *vide* order dated 7th March, 2024.

9. The other conditions shall be as directed vide order dated 10.1.2024:

(i) That he shall maintain peace and good behavior during his period of release on Furlough.

(ii) That he will remain at his residence during the period of his release on furlough and his ordinary place of residence shall be:-H. No. 662, Gali No. 13, Nehru Nagar Anand Parbat, Delhi.



(iii) That he shall report at least once in a week to Police Station under which his ordinary place of residence falls, during the period of his release on furlough.

(iv) That he shall surrender to the Superintendent, Central Jail No.14, Mandoli, Delhi on the expiry of his period of release on furlough.

In the event, the petitioner seeks to visit his native place at Etawah, U.P., the petitioner shall inform the SHO Police Station Anand Parbat and provide his phone number to the SHO.

10. This Court has kept in mind the directions of the Supreme Court ***In Re: Policy Strategy for Grant of Bail***, SMWP (Crl.) 4/2021 laying down certain guidelines dealing with the issue of prisoners who continued to be in custody despite having been granted the benefit of bail on account of their inability to fulfil the conditions. The said guidelines, include relaxation of bail conditions.

11. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 9, 2024

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