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

+ **W.P.(CRL) 3518/2023**

AKASH BUNTY

..... Petitioner

Through: **Mr. Hemant Singh and Ms. Urvashi Jain, Advocates**

versus

STATE OF GNCT OF DELHI

..... Respondent

Through: **Mr. Amol Sinha, ASC for the State with Mr. Ashvini Kumar, Mr. Arjun Singh Kadian, Advocates and with Inspector Ravi Kumar, P.S. Alipur.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

07.02.2024

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1. This instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking modification of the order dated 30.08.2023 passed by the respondent/competent authority, to the extent that petitioner be released on furlough on furnishing single surety of Rs.5,000/- to the satisfaction of Jail Superintendent.

2. It is stated that petitioner was granted furlough for a period of three weeks *vide* letter F.10 (003743213)/CJ/Legal/PHQ/2023/54364 dated 30.08.2023. However, the petitioner was asked to furnish two sureties of Rs. 10,000/- each along with a personal bond of like amount for his release. It is stated that the mother of the petitioner is the only person who can stand surety for him, since father of the petitioner had unfortunately passed away before the conviction of the petitioner. It is stated that brother of the petitioner is also a co-convict and is serving life sentence and his sister is



married and lives separately with her in-laws in another State. Consequently, there is no one outside Jail to furnish surety bond for petitioner except his mother. It is stated that the petitioner has never misused the liberty so granted by this Court on earlier occasion when he was released on parole/furlough and his conduct outside jail was satisfactory and nothing adverse was reported against him and he had surrendered before the jail authority in time after availing parole/furlough. Therefore, it is prayed that petitioner be released on personal bond and on deposit of cash security of minimum amount of Rs.5,000/-.

3. I have heard arguments and have gone through the case file.

4. In the present case, the petitioner has remained in judicial custody for a period of about 11 years and 04 months. His jail conduct, overall as well as of last one year, is reported as satisfactory. Earlier, the petitioner was granted parole by this Court in April, 2023 and the petitioner had duly surrendered before the jail authorities on expiry of the same. The petitioner is not involved in any other criminal case.

5. Considering the overall facts and circumstances of the case and in view of the submissions made above, the order dated 30.08.2023, passed by DS-Legal, RHQ, Delhi Prisons, is modified to the extent that instead of two sureties of Rs.10,000/-, the petitioner be released on furnishing one surety bond of Rs.5,000/-, alongwith personal bond of Rs.10,000/-.

6. In above terms, the present petition stands disposed of.

7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 7, 2024/zp

Click here to check corrigendum, if any