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

+ **W.P.(CRL) 3639/2023**

MOHD AZAM

..... Petitioner

Through: Counsel (Appearance not given).

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the
State with SI Sudhir Yadav, P.S. Nabi
Karim.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **16.01.2024**

1. The present writ 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 instituted on behalf of the petitioner praying as follows:

"i. Writ in the nature of certiorari may be issued for quashing the order F.10 (3491303)/CJ/LEGAL/PHQ/2023/67873 DATED 02.11.2023 passed by the respondent

ii. Writ in the nature of mandamus may be issued for modification of order dated 07.07.2023 passed by the respondent and directing the respondent to release the petitioner on 1st spell of furlough for a period of 03 weeks on furnishing personal bond before the Jail Superintendent, Central Jail No. 14, Mandoli."

2. It is stated that the petitioner herein could not be released as he was unable to comply with the order passed by the competent authority, whereby he was directed to be released subject to him furnishing a personal bond of Rs. 10,000/- and one surety of the same amount.



3. A modification in the said order is sought on behalf of the petitioner. It is stated that the wife of the petitioner, who has stood as a surety for the petitioner several times, has shifted to their native place at Bihar, and therefore is unable to come to Delhi for the purpose of furnishing surety. It is however stated by the State, that on several occasions, he was released on parole, furlough and has never misused the liberty granted to him.
4. Having heard learned counsel appearing on behalf of the parties, and in the interest of justice, the present writ petition is allowed. The order is modified to the extent, that the petitioner be released, subject to him furnishing a personal bond before the Jail Superintendent.
5. No further relief is prayed for.
6. With the above directions, the writ petition is accordingly disposed of.
7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 16, 2024/

[Click here to check corrigendum, if any](#)