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

+ **W.P.(CRL) 3776/2023**

MUKISH

..... Petitioner

Through: Ms. Tara Narula, Ms. Priya Sahil and
Mr. Anirudh Ramanathan, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with Mr. Kunal Mittal, Mr. Arjit
Sharma, Ms. Rishika, Advocates and
SI Seema, P.S. Badarpur

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

29.01.2024

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CRL.M.A. 35093/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The instant writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of directions to release the petitioner on furlough for a period of 21 days on furnishing cash surety for a sum of Rs 10,000/-.
4. Learned counsel for petitioner states that *vide* order dated 31.07.2023, the petitioner herein had been granted first spell of furlough on the condition that he will furnish two sureties of Rs.10,000/- each along with a personal



bond in the like amount, subject to the satisfaction of the Superintendent, Central Jail No.8/9. Thereafter, the petitioner had filed an application for modification of order dated 31.07.2023 and *vide* order dated 14.11.2023, the condition of two sureties was modified to one surety, as prayed for.

5. Learned Counsel for the petitioner now states that the petitioner is not in a position to furnish one surety and has prayed that the petitioner be released on cash surety for which the address of the petitioner was directed to be verified *vide* order dated 20.12.2023.

6. This Court has heard arguments on behalf of both the parties and has perused the material placed on record.

7. This Court has perused order dated 31.07.2023 passed by this Court, whereby certain conditions were imposed on the petitioner to be released on first spell of furlough, and the same is reproduced as under:

1. “That he shall furnish Two surety of Rs. 10,000/- (Rupees Ten Thousand Only) each alongwith a personal bond in the like amount for his release on Furlough to the satisfaction of the Superintendent, Central Jail No. 8/9.

2. That he shall maintain peace and good behaviour during his period of release on Furlough.

3. That he will remain at Delhi during the period of his release on furlough and his ordinary place of residence shall be: H.^[L]_[SEP] No. B-228, Ram Sukh Camp, Tajpur Pahari, Badarpur, New Delhi.

4. 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.

5. That he shall surrender to the Superintendent, Central Jail No. 8/9, Tihar, New Delhi on the expiry of his period of release on furlough”.

8. Thereafter, the petitioner had filed an application for modification of order dated 31.07.2023 and *vide* order dated 14.11.2023, the order was modified to the extent that the condition of two sureties was modified to one



surety.

9. Without getting into merits of the case and considering the fact that the petitioner is still languishing in Central Jail No. 10, Rohini, despite being granted furlough six months ago and he is unable to arrange a single surety of Rs 10,000/-, the order dated 31.07.2023 and 14.11.2023 stand modified to the extent that condition (1) imposed on the petitioner for release of first spell of furlough, shall now read as under:

“1. That he shall furnish cash surety of Rs. 10,000/- (Rupees Ten Thousand Only) alongwith a personal bond in the like amount for his release on Furlough to the satisfaction of the Superintendent, Central Jail No. 8/9.

10. In view of the above, present petition stands disposed of.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 29, 2024/ns

Click here to check corrigendum, if any