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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 322/2025**
ANIL KUMAR

.....Petitioner

Through: Mr. Adit S. Pujari, DHCLSC with
Mr. Zeesan Thomas, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, Ld. ASC for the
State with Ms. Jatin, Mr. Sangeet
Sibou and Mr. Aniket Kumar Singh,
Advocates with Insp. Rajesh Meena
P.S. Palam Village.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.01.2025

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CRL.M.A. 2757/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. A Criminal Writ Petition under Article 226 read with Section 528 BNSS has been filed for modification of the Order dated 29.12.2024 vide which the request of the Petitioner to be release on furlough on cash surety instead of one surety has been rejected by the Respondent.
4. It is submitted that though the furlough has been granted to the



Petitioner vide Order dated 01.10.2024 with two sureties, which was subsequently modified vide Order dated 22.10.2024 to one surety, but the Petitioner despite best efforts was unable to arrange even single surety and, therefore filed an Application for further modification of the Order for his release on furlough on cash surety, but the same was declined by the Respondent vide Order dated 29.12.2024.

5. It is submitted on behalf of the Petitioner that on earlier occasions, two neighbours had stood surety, but now they have no inclination to do so. One cousin who used to come to meet the Petitioner, is placed outside and has a difficulty in now standing as a surety. It is submitted that despite the Order dated 01.10.2024, the Petitioner has not been able to arrange for any surety and seeks modification of the Order dated 22.10.2024 to furnishing of a cash surety for release on Furlough.

6. It is further submitted that the Petitioner has availed Furlough two times in the past and had never violated any of the conditions imposed upon him while on Furlough. He is presently working as *Kabootar Sahayak* i.e. taking care of the birds in the Jail and is earning Rs.7,500/- per month and is maintaining good conduct. It is, therefore, submitted that he be released on furlough on deposit of cash surety.

7. **Learned APP submits** that appropriate Order may be made in the given circumstances of the case.

8. Considering the fact that the Order granting Furlough was made on 01.10.2024 and since then the Petitioner has not been able to furnish requisite surety and also considering his conduct in jail, the impugned Order dated 29.12.2024 is hereby modified to state that the furlough be granted to the Petitioner subject to furnishing of cash surety of Rs.10,000/-.



9. The Petition is accordingly disposed of.
10. The Order be communicated to the Jail Superintendent for compliance.

NEENA BANSAL KRISHNA, J

JANUARY 29, 2025/va