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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 353/2025

ANIL KUMAR

.....Petitioner

Through: Mr. Sharad Malhotra, Adv.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with S.I. Vishal, P.S. Mayur
Vihar, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.02.2025

CRL.M.A. 5997/2025 (exemption)

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

CRL.M.A. 5996/2025 (by the petitioner under Section 528 of BNSS, 2023 seeking modification of 31.01.2025)

3. By way of this application, the applicant/petitioner seeks modification of the order dated 31.01.2025 to the extent that the applicant may be released for the first spell of furlough for a period of three weeks subject to his furnishing personal bond and cash surety of Rs.10,000/-.
4. The learned counsel appearing on behalf of the applicant submits that *vide* order dated 31.01.2025, the applicant was granted first spell of furlough for a period of three weeks subject to his furnishing a personal bond in the sum of Rs.10,000/- and a surety bond of the like amount to the satisfaction of



the Jail Superintendent.

5. He submits that despite the fact that the first spell of furlough was granted by this court *vide* order dated 31.01.2025, the petitioner has not been able to avail the same for the reason that he has not been able to arrange for the surety bond. He submits that the family of the petitioner stays in Uttar Pradesh and the wife, who had on earlier occasion given surety, had undergone a surgery. He submits that even earlier also, the applicant was released on furlough subject to his furnishing personal bond and cash surety.

6. In view of the above, issue notice. The learned Standing Counsel appearing on behalf of the State accepts notice.

7. On a query posed by the court, the learned Standing Counsel for the State, on instructions from the IO, who is present in court, fairly states that on an earlier occasion also the petitioner had been released on furlough on cash surety and he did not misuse the liberty so granted to him.

8. Accordingly, the application is allowed.

9. It is directed that the applicant be released for the first spell of furlough for a period of three weeks subject to his furnishing a personal bond in the sum of Rs.10,000/- and cash surety in the like amount to the satisfaction of the Jail Superintendent.

10. With the aforesaid modification of order dated 31.01.2025, the application stands disposed of.

VIKAS MAHAJAN, J

FEBRUARY 24, 2025

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