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

+ **W.P.(CRL) 2908/2025**

SUNDAY CHINAKA

.....Petitioner

Through: Ms. Malvika Kulkarni, Advocate.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Aggarwal,
Mr. Abhinav Kr. Arya, Mr. Aryan
Sachdeva, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.11.2025

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1. This petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²), seeks parole for a period of two months.

2. The Petitioner is a life convict in FIR No. 291/2011, registered under Sections 302/392/174A/34 of the Indian Penal Code, 1860³ read with Section 14 of the Foreigners Act, 1946⁴ at P.S. Tilak Nagar.

3. Ms. Malvika Kulkarni, counsel for the Petitioner, submits that the Petitioner has been in custody for over 14 years and, during this entire

¹ "BNSS"

² "CrPC"

³ "IPC"

⁴ "Foreigners Act"



period, has not had the opportunity to meet his family members. It is submitted that the Petitioner's family members, who reside in Nigeria, are willing to travel to India to meet him, and the Petitioner accordingly seeks parole to re-establish familial ties.

4. On 24th September, 2025, this Court had directed the State to file a fresh status report. As per the report filed pursuant thereto, the credentials of the proposed surety have been verified. The Petitioner has furnished the details of one Sagar, s/o Ashok Kumar, r/o H. No. RZH 81/82/83/84, Nihal Vihar, Nangloi, New Delhi, aged 28 years, as surety. In compliance with the Court's directions, the said address was visited, and the surety was found residing there. He confirmed that the premises belong to his family and that he has been living there since childhood. He further stated that he has known the Petitioner for the last 12-13 years and that he takes full responsibility during the parole period. However, he clarified that the Petitioner would not be residing at his house but would stay in a nearby hotel, the details of which would be provided by the Petitioner. It is further stated that the Petitioner's place of stay shall be verified once the hotel details are furnished.

5. Counsel for the Petitioner submits that the Petitioner shall indeed be residing in a hotel during the period of parole and undertakes to furnish the complete details of the said accommodation to the State for verification.

6. The Court has considered the submissions advanced by the parties. and perused the material on record, including the Status Report and the Nominal Roll. As per Nominal Roll as on 19th September, 2025, the Petitioner has undergone incarceration of 14 years and 11 days, and has earned remission of 1 year, 2 months, and 8 days. His conduct for the past



one year has been reported to be satisfactory. The surety furnished by the Petitioner has been verified, and the State has not raised any objection regarding the surety's credentials. Although the Petitioner's specific place of stay is yet to be provided, he has undertaken to furnish the hotel details for verification prior to release. In these circumstances, and particularly keeping in view the purpose of the parole sought, namely to facilitate his meeting with family members who are travelling from overseas, the Court is inclined to accept the request.

7. In view of the above, the Petitioner is directed to be released on parole for a period of four weeks from the date of his release, upon furnishing a personal bond in the sum of INR 10,000/- with one surety in the like amount, to the satisfaction of the concerned Jail Superintendent, subject to the following conditions:

- (i) The Petitioner shall furnish his address for verification;
- (ii) The Petitioner shall report to the concerned SHO(s) once a week on every Monday during the period of parole;
- (ii) The Petitioner shall furnish his telephone number to the SHO(s) concerned, which the Petitioner will keep operational at all times;
- (iii) The Petitioner shall surrender before the Jail Authorities at the expiry of the period of parole.

8. The petition is disposed of in the above terms.

9. A copy of the order be communicated to the concerned Jail Superintendent for information and necessary compliance.

SANJEEV NARULA, J

NOVEMBER 20, 2025/ab