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

+ **W.P.(CRL) 3290/2025, CRL.M.A. 29855/2025**

PHOOL KUMAR@ PHOLU

.....Petitioner

Through: Mr Zeeshan Diwan DHCLSC, Mr
Harsha Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC for
State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.10.2025

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1. A Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner challenging the Order dated 17.09.2025 whereby the request of the Petitioner for furnishing a cash surety of Rs.10,000/- instead of surety, has been rejected.

2. It is submitted that the Petitioner is in Judicial Custody since 2012 and has been convicted in FIR No.281/2012 under Section 367/302/34 IPC Police Station New Usman Pur. During his incarceration, he had been released on furlough twice by DG (Prisons) since 2024. He has furnished one personal surety once and personal bond on the second occasion, to be released on furlough.

3. On the Application of the Petitioner, the DG (Prison) has granted Furlough for a period of three weeks with one surety of Rs.10,000/- and a



Personal Bond for the same amount vide Order dated 10.07.2025. The Petitioner had applied for modification of this Order on 24.08.2025 and sought his release on furnishing a Cash Surety only, but the Application has been rejected on 17.09.2025.

4. It is submitted that the Petitioner is not in a position to furnish a Surety and has thus, sought the modification of the impugned Order to the extent of being released on Furlough on furnishing a Cash Surety.

5. The learned APP for the State has appeared on advance Notice.

6. As has been submitted, on the earlier occasion also the Petitioner was unable to furnish a Surety and was allowed by the Co-ordinate Bench of this Court on 30.04.2025, to be released on furnishing a Cash Surety of Rs.10,000/- along with his Personal Bond.

7. There is nothing on record to show that there was any violation of the terms of the Furlough or that there was any other conduct which disentitles the Petitioner from being released on furlough on furnishing a Cash Surety.

8. Consequently, the impugned Order is modified to the extent that the Petitioner shall furnish a Personal Bond of Rs.10,000/- and a Cash Surety of the same amount, to be released on Furlough in terms of Order dated 10.07.2025.

9. The Petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 8, 2025/va