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

+ W.P.(CRL) 2647/2017

ASHOK KUMAR

..... Petitioner

Through Mr. S.B. Dandapani, Adv.

versus

STATE

..... Respondent

Through Mr. Sanjay Lao, ASC with Mr.
Siddharth Sindhu, Adv.
Insp. M.P. Singh, C.R. Park

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.10.2017

CRL. M.A.15262/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2647/2017

The petitioner has challenged the order dated 01.09.2017 passed by the competent authority whereby his prayer for being released on parole for reconnecting social ties and for taking care of his ailing mother has been rejected primarily on the ground that minimum of 6 months have not elapsed from the date of termination of the previous parole.

Mr. Dandapani, learned advocate has informed this court that now more than 6 months have elapsed and the ground on which the prayer of the petitioner was rejected no longer exists.

The nominal roll indicates that the petitioner has remained in jail for

about 13 years by now and has displayed satisfactory conduct in jail. In the past, the petitioner had been released on furlough for a number of times by the competent authority and only on one occasion, the petitioner surrendered a day later than what was required. On those occasions, Mr. Dandapani has argued, the petitioner did not involve himself in any illegal activity and there had not been any complaint from any quarter. It has further been submitted that though the petitioner was out on furlough from 26.07.2017 to 29.08.2017 but his mother requires urgent medical attention as she is suffering from mental illness and has been under treatment in IHBAS, a mental hospital.

Mr. Sanjay Lao, learned ASC has filed the status report in court. The same is taken on record. Mr. Lao, on the strength of the status report, has submitted that the mother of the petitioner is ill and requires treatment.

Taking into account the period of confinement of the petitioner in jail; his having shown good conduct for all this while and requirement of his mother to be attended to for her mental illness, this court is inclined to release the petitioner on parole for a specified period of two weeks.

The petitioner is directed to be released on parole for a period of two weeks, to be counted from the date of his release, subject to his furnishing bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the superintendent of the concerned jail.

The petitioner shall, however, abide by the conditions listed below:-

- a) The petitioner shall surrender before the jail authorities on or before the end of the said period of parole.
- b) The petitioner shall not engage himself in any unlawful activity.
- c) The petitioner would not leave the National Capital Region of

Delhi, without intimating the officer-in-charge of the concerned police station.

- d) He shall furnish his and his surety's mobile telephone numbers to the SHO of the concerned police station so that in case of necessity he could be tracked and his whereabouts could be ascertained.

In case, the petitioner flouts any one of the conditions, an application could be moved by the SHO for cancellation of his parole and for taking of coercive steps for securing his attendance.

With these observations, the petition is disposed of.

The order be communicated to the Superintendent of the concerned jail for compliance and record.

ASHUTOSH KUMAR, J

OCTOBER 31, 2017
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