

(2021) 06 RAJ CK 0016

In the Rajasthan High Court

Case No : Criminal Writ Petition Parole No. 917 Of 2021

Rajpal S/O Shree Sardara Ram

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 342, 363, 366, 366K, 376
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4, 16, 17

Citation : (2021) 06 RAJ CK 0016

Hon'ble Judges : Narendra Singh Dhatta, J;Chandra Kumar Songara, J

Bench : Division Bench

Advocate : B.R. Choudhary, Mangal Singh Saini

Final Decision : Allowed

Judgement

1. Petitioner has preferred this writ petition (parole) seeking release on first parole for twenty days. It is contended by the counsel for the petitioner

that the District Parole Advisory Committee, Jhunjhunu rejected the application for parole vide order dated 09.04.2021 and the parole was rejected on

the ground of there being an adverse report by S.P. Jhunjhunu.

2. It is contended that the sentence imposed upon the petitioner is life imprisonment. Petitioner has remained in custody for 4 years 11 months and 07

days as on 30.05.2021 and the case for which reference has been taken by the S.P. is a case of the year, 2016 and pertains to offence under Section

363,366, 366K, 376, 342, IPC and Section 3/4, 16 and 17 of POCSO Act.

3. Learned Additional Government Advocate has opposed the petition.

4. We have considered the contentions. The Superintendent of Central Jail, Bikaner and Social Welfare Department have given their assent to release

the petitioner on first parole. The Advisory Committee has not given assent to release the petitioner looking to the offence. The conduct of the

petitioner in jail is satisfactory. The Police Authorities have in a mechanical way objected to release on parole. In the above circumstances and deem

it appropriate to release the petitioner on first regular parole to which is entitled for under the Scheme of rules 1958.

5. Consequently, the writ petition parole stands allowed. The recommendation of the committee dated 09.04.2021 qua the present petitioner is

quashed. The Jail Authorities are directed to release the petitioner (Rajpal Son of Shree Sardara Ram) on first regular parole for twenty days on

furnishing his personal bond of Rs.50,000/- with two sureties in the sum of Rs.25,000/- to the satisfaction of the Superintendent, Central Jail, Bikaner

with the stipulation that he shall surrender himself and return back to the Jail Authority on expiry of twenty days and shall maintain peace and

tranquility during parole period in addition to it, he shall report during parole on each Sunday at 11.00 A.M. at the concerned Police Station and that

report be furnished to the Jail Authority.

6. In case of failure to surrender by petitioner on stipulated date, the Jail Authority shall proceed in accordance with law.

7. A copy of this order be sent to the Jail Authorities as well as the petitioner through Jail Authority for compliance.