

Moru Dan Vs. State of Raj

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Court : Rajasthan Jodhpur

Decided On : Sep-10-2013

Appellant : Moru Dan

Respondent : State of Raj

Judgement :

D.B. PAROLE PETITION NO. 9177/2013. Moru Dan Vs. State of Rajasthan // 1 // 23 D.B. PAROLE PETITION NO. 9177/2013. Moru Dan Vs. State of Rajasthan .. DATE OF

ORDER

:

10. In September 2013. HON'BLE MR. JUSTICE DINESH MAHESHWARI HON'BLE MR. JUSTICE BANWARI LAL SHARMA By Post. Mr. K.R. Bishnoi, Government Counsel. <><><> BY THE COURT: In this letter petition, the petitioner-prisoner has stated the grievance against the conditions imposed by the District Parole Committee, Jaisalmer for the purpose of his release on first 20 days' parole. The relevant background aspects of the matter are that by an order dated 05.04.2012 as passed in Parole Petition No. 182/2012, a co-ordinate Bench of this Court accepted the prayer of petitioner-prisoner Moru Dan son of Ladu Dan for being allowed parole; and the respondents were directed to release him on 20 days' regular parole in accordance with the Rajasthan Prisoners Release on Parole Rules, 1958 after imposing adequate and reasonable conditions.

Thereafter, the Parole Committee, in its meeting dated 18.05.2012, proceeded to impose some conditions on the petitioner for his availing parole as regards the place of his residence, as also his conduct and further of his attending the D.B. PAROLE PETITION NO. 9177/2013. Moru Dan Vs. State of Rajasthan // 2 // concerned police station on the given days. However, as regards the bond and surety, it was enjoined upon the petitioner to furnish a personal bond in the sum of Rs. 40,000/- with two sureties in the sum of Rs. 20,000/- each, of which, one would be a Government employee. The petitioner has stated his adverse financial conditions for which, he is unable to fulfill the conditions regarding the sureties and more particularly, the condition regarding one surety being the Government employee. The Government Counsel has obtained verification report from Police Station Sankda, District Jaisalmer wherefrom, it is made out that the petitioner's family is not possessed of sufficient means and comprises of petitioners ripe-old aged parents and minor children. We have reservations on the approach of the District Parole Committee where it has chosen to impose the condition that one of the sureties ought to be the Government employee. Such a condition is practically to pressurize a prisoner that he should somehow get a Government employee agreeing to stand as his surety. Such an onerous condition, in our view, is likely to cause serious prejudice to the prisoner as also to the public services; and is more likely to render the indulgence itself rather illusory and unreachable. It is definitely required of the Parole Committee to take a practical view of the matter and to impose reasonable conditions for release on parole rather than imposing arbitrary and D.B. PAROLE PETITION NO. 9177/2013. Moru Dan Vs. State of Rajasthan // 3 // prohibitive conditions. Noteworthy it is that in the present case, even while allowing the earlier petition (No. 1882/2012), this Court expected of the authorities to impose adequate and reasonable conditions. The condition whereunder a Government employee is supposed to stand as a surety deserves to be, and is, disapproved. Having regard to the circumstances of the case and the status of the family, we consider it proper to modify the conditions imposed by the District Parole Committee in the manner that the petitioner may be released on his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the sum of Rs. 20,000/-. The petition stands allowed to the extent and in the manner indicated above. Of course, we make it clear that we have modified the condition only as

regards bond/surety and none other. (BANWARI LAL SHARMA),J.

(DINESH MAHESHWARI),J.

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