

SUPREME COURT OF INDIA

Parasmal Lodha

Vs.

Director General of Police

WP(Crl.)No.7727 of 2017

(Jagdish Singh Khehar,CJI., Dr.D.Y.Chandrachud and Sanjay Kishan Kaul,JJ.,)

09.03.2017

ORDER

1. The petitioner has approached this Court seeking parole, to enable the petitioner to participate in the last rites of his mother, who admittedly, died on 07.03.2017. The rites of the mother of the petitioner have to be performed at Calcutta. The petitioner is incarcerated at the Tihar Jail, in New Delhi.

2. We are informed, that out of the three pending cases against the petitioner, namely, ECIR No.14/DZ-11/2016 (registered at New Delhi, on 16.12.2016), RC MA 12016A 0040 (registered at Chennai, on 19.12.2016) and ECIR No.19/2016 (registered at Chennai on 19.12.2016), the petitioner has bail orders, in the former two cases. Insofar as the Case No.ECIR No.19/2016 is concerned, the Principal Sessions Judge, Chennai, by an order dated 08.03.2017, arrived at the conclusion, that the petitioner was in the custody of this case from 03.02.2017 till date, since his remand was not extended after 02.02.2017, as such, the petition for grant of bail filed by the petitioner was not maintainable, before the Principal Sessions Judge, Chennai.

3. To obtain formal orders in ECIR No.19/2016, we are informed, that the petitioner has been sent from Tihar Jail, New Delhi, to Chennai, by train on 08.03.2017, and is likely to reach Chennai, on 10.03.2017, sometime in the morning.

4. Keeping in view the urgency of the matter, we consider it just and appropriate to direct the release of the petitioner, on parole, from 09.03.2017, when the train, in which he is travelling, reaches Nagpur. The petitioner shall have the concession of parole upto 28.03.2017, on the condition, that the petitioner shall be accompanied 24X7, by police officers in the CBI cadre not below the rank of Dy.Superintendent of Police. It shall be open to the petitioner to choose the mode of his transport, as also, that of security personnel accompanying him. In such an event, the petitioner shall be liable to pay for his own travel, as also, the travel of the security personnel accompanying him, as well as, their boarding and lodging (during the period referred to hereinabove i.e. upto 28.03.2017).

5. The police officers accompanying the petitioner, shall ensure his return to the Tihar Jail, New Delhi, where he shall surrender on 29.03.2017. All other conditions, imposed hereinbefore, in the first two cases, referred to hereinabove, shall subsist.

6. RespondentNo.1 herein, shall ensure the compliance of the instant order, namely, the smooth transfer of the custody of the petitioner, to the officers of the CBI.

7. The instant petition is disposed of, in the above terms.