

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.4077 of 2015**

Gufran S/o Dr.Tajuddin, aged about 28 years, R/o Nurani Chowk, Raja Talab,
Raipur, Distt.Raipur (CG)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station-Civil Lines,
Raipur, Distt.Raipur (CG)

---Non-applicant

For Applicant	:	Mrs. Fouzia Mirza, Advocate.
For-Non-applicant	:	Mr.Anupam Dubey, Dy. Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.740/2013, registered at Police Station-Civil Lines, Raipur, District Raipur (CG), for the offence punishable under Sections 212, 216, 121, 124-A, 153-A of the IPC, Sections 3, 7, 10, 11, 13, 15, 16, 18, 19, 39 of the Unlawful Activities (Prevention) Act, Sections 3 & 4 of the Explosives Act and Sections 25 & 27 of the Arms Act.

2. Case of the prosecution, in brief, is that, the applicant being a member of banned organization SIMI actively participated in unlawful activities of the said organization and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case merely on the basis of statement of Sher Ali recorded in the year 2013, nothing objectionable material has been seized from the possession of the present applicant and no overt-act is said to have been caused by him. She would further submit that

charge-sheet has already been filed and other similarly situated co-accused persons have been enlarged on bail extending the benefit of Section 167(2) of the Cr.P.C. She would also submit that no any incriminating article has been seized from the possession of the present applicant and he is in jail since 9.4.2015, therefore, he may be released on regular bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the present applicant is active member of banned organization SIMI and time to time he has participated in the meeting held by the said organization, which is apparent from 164 statement of co-accused Azaruddin Quereshi and there is also memorandum statement of Sher Ali, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; evidence collected on behalf of the prosecution to connect the applicant in crime in question including participation of the applicant in the activities of banned organization SIMI and material available in the case diary, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

