

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPCR No. 2 of 2021**

1. Mo. Junaïd Memon, Aged about 34 years, S/o Mr. Mo. Haji Umar Memon.

2. Mo. Khalid Memon, Aged about 39 years, S/o Mr. Mo. Haji Umar Memon.

Both are R/o H.No. 171/A, Cement Road, Anmol Tower, Vaishali Nagar, Nagarpur Maharashtra.

Represented by Mr. Haji Hanif Memon, Aged about 52 years, S/o Late Haji Abubakar Memon, address Telibandha, P.S. Telibandha, Raipur, Chhattisgarh. R/o Mathpuraina, Rawatpura Colony, Gali No. 5, In front of Choice Beauty Parlor, Raipur, Chhattisgarh.

---Petitioners

Versus

1. State of Chhattisgarh, through its Secretary, Home Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.

2. Collector/District Magistrate, Distt. Rajnandgaon, Chhattisgarh.

3. Station House Officer, Police Station Basantpur, Distt. Rajnandgaon, Chhattisgarh.

--- Respondents

For Petitioners :- Mr. Raza Ali, Advocate

For State :- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

06/01/2021

1. The two petitioners herein are in jail and are facing trial for offences punishable under Sections 420, 120-B read with Section 34 of the Indian Penal Code, Section 4, 5 and 6 of Prize Chits and Money Circulation Schemes (Banning Act), 1978 and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005. Petitioner No. 1 filed an application before the Special Judge (Chhattisgarh ke Nipekshako ke Hiton ka Sanrakshan Adhiniyam, 2005) for allowing him to attend the marriage ceremony of his sister's daughter namely Hajiyanı Sayma from 06/01/2021 to 08/01/2021 at Raipur which was rejected by the Special Judge citing the reason that earlier his bail applications has been rejected by this Court against which this writ petition has been preferred.
2. Mr. Raza Ali, learned counsel for the petitioners, would submit that the marriage ceremony of petitioner No. 1's sister's daughter namely Hajiyanı Sayma is from 06/01/2021 to 08/01/2021 at Raipur, therefore, the petitioners may be allowed to attend the same on police

custody and they are ready and willing to bear the expenses with regard to the conveyance and stay of the police officers. He would rely upon the decision of the Bombay High Court in the matter of Manjulabai W/o Kisna Gulabe v. State of Maharashtra¹.

3. Mr. Animesh Tiwari, learned State Counsel, would submit that learned Special Judge is absolutely right in rejecting the application as only petitioner No. 1 has moved the application before the Court of Special Judge.

4. I have heard learned counsel for the parties and perused the records.

5. Since only petitioner No. 1 has moved the application before the Special Judge claiming to be the maternal uncle of Ku. Hajiyani Sayma, therefore, only his application is being considered.

6. The Bombay High Court in Manjulabai (supra) also released the petitioner therein on parole in order to attend the marriage ceremony of his sister's daughter.

¹ 2002 (3) Mh.L.J. 226

7. It is the claim of petitioner No. 1 that his real sister's daughter namely Ku. Hajiyanis Sayma is getting married at Raipur, therefore, on a purely human consideration and in order to enable him to perform necessary rituals, petitioner No. 1 namely Mo. Junaid Memon is allowed to attend the said marriage ceremony of his sister's daughter from 07/01/2021 to 08/01/2021 in police custody subject to the condition that petitioner No. 1 will bear all the expenses of the police escort (as the S.P., Rajnandgaon deems fit) and will bear all other expenses / provide all the necessary facilities to the police escorts like conveyance, stay, etc.
8. Accordingly, the instant writ petition is allowed to the extent indicated herein-above.
9. A copy of this order be sent to the District Magistrate, Rajnandgaon and the Superintendent of Police, Rajnandgaon by e-mail/fax today itself for needful and compliance.
10. Certified copy today.

Sd/-
(Sanjay K. Agrawal)
Judge