
(2013) 11 SC CK 0015

In the Supreme Court Of India

Case No : SLP (Criminal) No's. 7898 with 7913 of 2013

Lingaram Kodopi

APPELLANT

Vs

State of Chhatisgarh

RESPONDENT

Date of Decision : 12-11-2013

Acts Referred:

Citation : (2013) 13 SCALE 622 : (2014) 3 SCC 480

Hon'ble Judges : Surinder Singh Nijjar, J; Fakkir Mohamed Ibrahim Kalifulla, J

Bench : Division Bench

Advocate : Prashant Bhushan, Ramesh K. Mishra. Colin Gonsalves, Amiy Shukla, Jyoti Mendiratta, V.A. Mohta, A.P. Mayee, Bansuri Swaraj, Sanjeev Kr. Choudhary, Nilkant Nayak

Final Decision : Allowed

Judgement

1. Although in view of our order, dated 1st November, 2013, the relevant record has been produced, but no responsible officer familiar with the record, who could assist the Court in examining the same is present. Only some police officers who are unable to assist the Court have produced the record. Mr. V.A. Mohta, learned Senior Counsel appearing for the State of Chhatisgarh, has submitted that no officer could attend as they are all on election duty. He, therefore, seeks an adjournment for two weeks, so that the concerned officer can attend the proceedings.

2. It has been stated by the Learned Counsel for the Petitioners that the Petitioner-Lingaram Kodopi-in SLP (Criminal) No. 7898 of 2013 has been in custody since 9th September, 2011 and the Petitioner-Soni Sori in SLP (Criminal) No. 7913 of 2013 has been in custody since 4th October, 2011. Since it is going to take some time before a responsible officer can be present in Court in assisting the examination of the record, we are of the opinion that it would be unjust to continue the incarceration of the Petitioners during the pendency of the applications for bail. We are also mindful of the fact that Soni Sori, Petitioner in SLP (Criminal) No. 7913 of 2013 has been acquitted in five earlier cases.

Similarly, Petitioner Lingaram Kodopi in SLP (Criminal) No. 7898 of 2013 was also acquitted in the earlier matter. It has also been stated that B.K. Lala, co-accused has also been granted bail on 4th February, 2012. In these circumstances, we are of the opinion that it would be appropriate to direct that the Petitioners be released on interim bail during the pendency of the bail applications. However, keeping in view the submissions made by Mr. V.A. Mohta, learned Senior Counsel appearing for the State of Chhatisgarh, it would be in the interests of justice to direct that the Petitioners shall not enter the State of Chhatisgarh during the period in which they are granted interim bail. It is ordered accordingly.

3. At this stage, it has been brought to our notice by Mr. Colin Gonsalves, learned Senior Counsel appearing for the Petitioner in SLP (Criminal) No. 7913 of 2013 and Mr. Prashant Bhushan, teamed counsel appearing for the Petitioner in SLP (Criminal) No. 7898 of 2013 that the Petitioners have not met their families for a long time and it would be only humane if they are permitted to meet their families before they travel to Delhi.

4. In view of the above, we direct the concerned Senior Superintendent of Police to depute some responsible police officers to escort the Petitioners to their respective villages so that they can meet their families for a period of 24 hours. On the following day, the Petitioners shall be escorted to Delhi. They shall be permitted to reside in any locality of their choice in Delhi. Once the Petitioners reach Delhi, they are directed to report to the Incharge of the local Police Station once a week. They shall report to the In-charge of the local Police Station every Sunday at 11.00 am.

5. Let the matters stand over till 3rd December, 2013.

6. We reiterate that it is necessary that some responsible officer who is familiar with the entire investigation should be present in Court on the next date of hearing to explain the entire record to the Court and also to clarify any doubts which may be raised by the Learned Counsel for the Petitioners. This order shall be faxed and communicated to the Welfare Officer, Central Jail, Jagdalpur, Chhatisgarh and the concerned authority today itself for necessary action.