

SUPREME COURT OF INDIA

Moulvi Hussain Ibrahim Umarji

Vs.

State of Gujarat

SLP (Crl.) No. 4773 of 2003

(G. P. Mathur, S. R. Babu and Arun Kumar JJ.)

17.03.2004

JUDGMENT

G.P. Mathur, J.

1. An incident took place at about 7.45 a.m. on 27.2.2002 when the Sabarmati Express was stopped near Godhra Railway Station and a coach was set on fire resulting in death of 59 persons and serious injuries to 48 others. The petitioner herein was arrested in connection with the said offence on 6.2.2003 and is charged for committing offences under Sections 143, 147, 148, 332, 337, 338, 435, 186, 120(b), 153(a), 302, 307, 395, 397 of Indian Penal Code and Section 3(2) and Section 3(3) of the POTA, and Sections 141, 151 and 152 of the Indian Railways Act, and Sections 3 and 4 of the Prevention of Damage to Public Properties Act. He moved an application for being enlarged on bail, which was rejected by the learned Special Judge (POTA) on 7.7.2003 and the appeal preferred by him against the said order was dismissed by a Division Bench of the High Court on 2.8.2003. The present Special Leave Petition has been preferred challenging the aforesaid orders.

2. We have heard Shri Ram Jethmalani, learned senior counsel for the petitioner, Shri Sushil Kumar, learned senior counsel for the respondent State of Gujarat at considerable length and have perused the record. We do not wish to consider in detail the various aspects of the merits of the case put forth on behalf of parties but bearing in mind the limited scope of the examination of the matter at the stage of grant or refusal of bail on the prima facie view, we are of the opinion that this is not a fit case where the petitioner may be released on bail. The special leave petition is accordingly dismissed.