

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 264 of 2017

Jitendra Singh Rajput S/o Surendra Singh, Aged About 30 Years
R/o Mangla, Police Station- Civil Lines, Bilaspur, District-
Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Mulmula, District-
Janjgir- Champa Chhattisgarh.

---- Respondent

And

MCRC No. 386 of 2017

Rajesh Kumar S/o Agnihotri Daud, Aged About 49 Years R/o
Mission Compound, Janjgir, Police Station- Janjgir, District-
Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Through Police
Station Mulmula, District- Janjgir- Champa Chhattisgarh.

---- Respondent

For applicants - Shri S.C. Verma and Shri Sumit Singh, Advocates.
For Respondent/State – Shri Avinash K. Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

31/01/2017

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.128/2016 registered in Police Station Mulmula, District Janjgir-Champa (C.G.) for offence punishable under section 302/34 of the Indian Penal Code and u/s 3(2) (5), 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. As per the case of the prosecution, on 17/09/2016 one Satish Norge alongwith his two friends went to the Electricity Sub Station and pressurized to close electricity supply and thereby Devendra Singh who was present in the electricity office closed the electricity supply. Said incident happened for the reason that Satish Norge who was resident of nearby village was not having electricity for 8-10 days. Subsequently, when electricity line was closed, Jitendra Singh Rajput, Sunil Dhruv, Dilharan Miri, Rajesh who were Police Officials came to the Electricity Sub Station and after enquiring the fact that Satish Norge has pressurized for closure of the electricity he was assaulted and thereafter he was taken away by the police. Subsequently, Satish Norge was informed to be dead in the custody. Thereby, offence is committed.

4. Learned counsels for the applicants would submit that Satish Norge was in heavily drunken state, he tried to cut off the electricity and was successful in that and in order to provide electricity he was forcefully removed and he was kept in the police station. It is stated that due to such heavily drunken state he vomitted and only allegation can be said that Jitendra Singh Rajput gave three blow on his thigh which would be evident from the statement of son of the deceased. Therefore, case would not fall under Section 302 of IPC. It is further stated that mere fact that deceased died in custody would not lead to show that he was beaten up at the lock up and deceased died because of consumption of excessive alcohol. Learned counsels therefore submit that the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the post mortem report. The post mortem report shows

24 injuries on different parts and opinion of death shown to be multiple injuries over the body. Reading statement of son Prakash Norge aged 14 years would show that when he reached to the station he was told by the deceased that he had been beaten by 4-5 police officials. Thereafter, some assault was also made on his thigh before the son. Subsequently, he vomitted blood and was taken to the hospital and on the way he died. Considering the fact that deceased Satish Norge died in the police custody after he was taken away. Post mortem report also shows multiple injuries over the body of the deceased. Therefore, considering the totality, since the applicants are police officials pressurizing the witnesses cannot be ruled out.

7. Accordingly, both the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE