

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 602 of 2017

- Dilharan Miri S/o Umemdram Miri Aged About 26 Years (Wrongly Mention As Umenddas), R/o Binouridih, Thana Masturi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through District Magistrate Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25-9-2016 in connection with Crime No. 128 of 2016, registered at Police Station Mulmula, District Janjgir Champa (CG) for the offence punishable under Sections 303/34 of the IPC and Sections 3(2-5) and 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the case of the prosecution, on 17/09/2016 one Satish Norge along with 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 and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant would submit that the applicant was not on duty at the time of incident and he joined his duties at about 10 O'clock whereas the deceased was taken to the Police Station in the morning, therefore, offence cannot be attributed to the present applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 25-9-2016 and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Perused the post-mortem report which shows 24 injuries on different parts and opinion of death was shown to be multiple injuries over the body. Reading statement of son Prakash Norge of the deceased aged 14 years would show that when he reached to police 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 vomited blood and was taken to the hospital and on the way he died.

5. 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, the arguments cannot be appreciated at this stage as to whether the applicant was present while assault was being made or not. This matter is to be ascertained during the time of evidence. Therefore, I am not inclined release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju