

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3357 of 2017

Sunil Kumar Dhruw, aged about 28 years, S/o. Late Ganga Ram Dhruw, R/o. Near Bhima Talab, Janjgir, P.S. & Tah. Janjgir, District – Janjgir-Champa (C.G.).

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station-Mulmula, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.128/2016, registered at Police Station – Mulmula, District – Janjgir-Champa (C.G.) for the offence punishable under Section 302, 34 of I.P.C. and Section 3 (2-5), 3 (1) (a) of SC/ST Act. The first bail application was dismissed as withdrawn vide order dated 27.02.2017 in M.Cr.C. No.810/2017.
2. As per prosecution case, 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. Thereby, the offence is committed.

3. Learned counsel for the applicant would submit that first bail application was dismissed as withdrawn on 27.02.2017, thereafter, the son of the deceased Prakash has been examined and he has not stated anything against the present applicant. Therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the statement of Prakash (P.W.-3). Prima-facie it appears that allegations have been attributed and the degree and the role played by the applicant can not be adjudicated by this Court by only picking up the statement of one witness. Taking into such fact I do not find any change of circumstances to reconsider the bail application again.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge