

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4305 of 2017

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

---- Applicant

Versus

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

---- Respondent

For applicant - Shri V.C. Ottalwar and Shri Akhtar Hussan, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

7/07/2017

1. This is second bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 8/02/2017 vide M.Cr.C. No. 602/2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 128/2016 registered in Police Station Mulmula, Dist. Janjgir-Champa (CG) for offence punishable under sections 303/34 of IPC and Section 3(2-5) and 3(1)(10) of the SC and ST (Prevention of Atrocities) Act 1989.
3. As per the 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 and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that 8 witnesses have been examined including the son and other witnesses, they have not named the applicant, therefore the applicant has been falsely implicated, allegation have been attributed to other accused, therefore applicant may be enlarged on bail.

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

6. Perused the earlier rejection order dated 8/02/2017. It appears that said rejection of the bail was on merits. It is a case of custodial death. All the statement has to be appreciated by court below about involvement of the applicant. At this stage no finality can be attributed by evaluating evidence of the statement as it would amount to usurping power of the trial court and I do not find any change of circumstances to reconsider this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE