

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5189 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 Station House Officer, Police Station Mulmula, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure 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 Indian Penal Code & Section 3(2)(5), 3(1)(10) of SC/ST (Prevention of Atrocities) Act. The first bail application was dismissed on merit on 31.01.2017 in MCRC No.264 of 2017.
2. As per the prosecution case, 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.

3. Learned counsel for the applicant submits that the present applicant Rajesh was the Home Guard, he has not caused any assault and the material witnesses have been examined in this case and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection order and the documents. At this stage, while hearing the bail application, the submission advanced by the applicant cannot be entertained. Admittedly, one person died in the police custody and the applicant was also present when the incident happened and who has caused the injury is still to be adjudicated. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge