

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3602 of 2018

Dilharan Meeri S/o Umend Ram Meeri Aged About 26 Years R/o-
Village Binaoridih Police Station Masturi, District- Bilaspur,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant -Shri Akhilesh Kumar, Advocate.
For Respondent/State- Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/06/2018

Heard.

1. This is third bail application under section 439 of Cr.P.C. The first bail application was dismissed on 8/02/2017 vide MCRC No. 602/2017 and second bail application was dismissed on 7/07/2017 vide MCRC No.4305/2017.
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 section 302/34 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 out of 50 witnesses 27 material witnesses have been examined, they have not deposed against the applicant and the applicant was only havaladar, alleged person who died in custody was not in actual custody of the applicant, therefore the applicant may be released on bail.

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

6. Considering the facts of the case, evaluating statement of 27 witnesses at this stage will amount to holding trial while hearing bail and I do not find any change of circumstances to reconsider this third bail application.

7. Accordingly, the third bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE