

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2188 of 2019**

- Vineet Dubey S/o Late Shri S. K. Dubey Aged About 35 Years Inspector, R/o Patelpara, Ambikapur P. S. Gandhinagar, District Ambikapur (Surguja) Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, P. S. Ambikapur, District Ambikapur (Surguja) Chhattisgarh.

---- Respondent

For Applicant	: Shri Vivek Sharma, Advocate
For Respondent/State	: Smt. Smita Ghai, P.L.
For Objector	: Shri Ashish Beck, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/02/2020**

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 712/2019 registered at Police Station Ambikapur, District – Ambikapur (Surguja), (C.G.) for offence punishable under Sections 306/34 of I.P.C.
2. As per the prosecution story, at the relevant time present applicant was posted as the S.H.O. of Police Station Ambikapur. On 11.07.2019 one Tanveer Singh lodged a report stating therein that Rs. 13,00,000/- was stolen from his house. On the basis of the said report, Crime No. 433/2019 was registered by Police Station Ambikapur against two

accused persons namely Imran and Pankaj Beck (now dead). Since, both the suspect visited the complainant's house to repair CCTV Camera and there was suspicion on both the persons thereafter, they were interrogated by the police. On 21.07.2019 also, both were called for interrogation in Cyber Cell. During interrogation, Imran admitted his guilt and on the basis of his memorandum statements Rs. 5,00,000/- has been recovered. Further case of the prosecution is that, on the same day around 11:45 PM Pankaj Beck (deceased) made a request for going outside for attending nature call. He was sent outside the Cyber Cell along with one Constable from where he absconded. Then search was made and dead body of Pankaj was found in hanging condition in the campus of Parmar Hospital. On 24.11.2019 F.I.R. was registered against present applicant and four other police officials who were conducting investigation of the said Crime Number i.e. 433/2019.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant was neither the Investigating Officer nor interrogated the deceased Pankaj Beck at the Cyber Cell or Police Station. Therefore, *prima facie*, no case can be made out against present applicant. There is also no material available on record on the basis of which it can be said that applicant has instigated or abetted the deceased in any manner to commit suicide. There is also no evidence available which shows that applicant has tortured the deceased. Referring to the judicial inquiry report i.e. annexure P/4 and further referring to the report of forensic expert i.e. annexure P/5, learned Counsel for applicant submits that nature of

death of the deceased is found to be homicidal. He further submits that *prima facie*, no material is available on record with regard to the alleged offence. Looking to the above, it is prayed that applicant may be released on anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the bail application. Referring to the statement of Ranu Beck wife of the deceased and statement of Nirmal Beck, brother of the deceased recorded under Section 161 of Cr.P.C., learned State Counsel submits that during the period from 09.07.2019 to 21.07.2019 deceased was kept in police custody for interrogation and during the said period, deceased was tortured by the police. Referring to the statement of Imran Khan recorded during Magisterial Inquiry, Counsel for Objector submits that Imran Khan has admitted the fact that deceased Pankaj Beck was kept in custody till 21.07.2019 in Cyber Cell and mar-pit was committed with him by the police officials. According to the statement of Imran Khan, at that time present applicant was also present there, therefore, *prima facie*, it is established that applicant was present during interrogation of the deceased. Referring to the post-mortem report of the deceased and forensic report given by forensic expert, learned Counsel for Objector submits that in post-mortem report, the facts mentioned in serial number 9 & 10 is not mentioned in the forensic expert report and in place of that some other facts are mentioned. Thus, tampering of evidence has been done by the police officials. He further submits that applicant is Station House Officer and therefore, to save himself and other police officials tampering in the report has been done. In these circumstances, anticipatory bail

application of the applicant should be rejected.

5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that at the relevant time applicant was posted as S.H.O. of the concerned Police Station and he was neither the Investigating Officer nor has investigated the matter, though, during Magisterial Inquiry, as deposed by Imran Khan, at the time of interrogation deceased was tortured and mar-pit was committed with him, at that time applicant was present at the spot. On 21.07.2018 at the time of interrogation, when mar-pit was conducted by the police, applicant was present at the spot but there is no such statement of Imran which shows that applicant has committed mar-pit with deceased, and other than this no single instance is found or any evidence is available against applicant on the basis of which it can be said that applicant has interrogated or assaulted the deceased, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting

Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge