

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 33416 of 2024

(HANSURA BAI AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 20-12-2024

Ms.Payoshi Roy, Advocate for the petitioner.

Shri Sohit Mishra GA for the respondent/State.

The present petition under Article 226 of the Constitution of India has been filed seeking full and fair investigation of the offence regarding brutal torture, sexual abuse and murder of one Deva Pardi, son of the present petitioner no.1 as well as torture and sexual abuse of petitioner no.2 by the police personnels of Myana Police Station and Jhagar Chowki and since the proper investigation of the murder of Deva Pardi in police custody has not been made and since the investigation of the aforesaid crime is not being conducted in a fair and impartial manner, therefore, prayer has been made for handing over of the investigation to the CBI or to get it conducted by the Special Investigation Team.

2. After hearing counsel for the petitioner this Court on 6.11.2024 had directed to issue notices to the respondents. Thereafter on 5.12.2024 one I.A.No.12328/2024 is filed on behalf of the petitioners in which elaborately harassment of the sole eye-witness to the custodial death i.e. Gangu alias Gangaram committed by the police officials have been narrated and specifically it has been averred that after issuance of notice on 3.12.2024 when petitioner no.2 went to met him at District Jail Guna he informed her that few dates prior he was taken from District Jail Guna to Government Civil Hospital by the escorts guards where he was beaten up by the guards in the escort van and after reaching hospital he was stripped naked, beaten and threatened again and all the said threatening

was due to filing of the present petition and to pressurize him to turn hostile in the matter of custodial death. In wake of the aforesaid harassment of the sole eye witness Gangaram it was prayed by the counsel for the petitioner that life of said witness Gangaram in custody is in danger, and therefore, as an interim measure bail be granted to him in respect of the FIRs registered against him in which he has been arrested after the custodial death and apart from the aforesaid relief it had also been prayed that police personnels shall be restrained from contacting the petitioner or their family members and even Gangaram in any way directly or indirectly and in alternate to transfer Gangaram to house arrest and get him examined, also to call the CCTV footage of the entrance of Government Civil Hospital, Guna, as well as X-ray room for the period from 20.11.2024 to 2.12.2024.

3. Shri Sohit Mishra, learned Government Advocate had brought to the notice of this Court the report of the Magisterial enquiry and had argued that in the said enquiry Inspector Sanjeet Mavai, Sub Inspector Uttam, Constables Devraj, Vikas and Vikram the have been directed to be made accused in relation to the custodial death of Deva Pardi and accordingly FIR has been registered against them. Earlier one Yuvraj Singh, Deputy Superintendent of Police was investigating the matter but after the magisterial enquiry the matter has been handed over to CID and one Umesh Mishra, Deputy Superintendent of Police is now investigating the matter. Since already the investigation has been handed over in safer hands the apprehension of the petitioner is baseless. Therefore, the present petition is liable to be dismissed.

4. Heard the counsel for the parties.

5. Having considered the manner in which police proceeded in the case, this Court finds that it is a case in which definitely investigation should be monitored by the Superintendent of Police, Guna. The Court would also like to observe that it is a case where accountability of the Senior Police Officer may also be required to be fixed administratively. This Court is of the view that the investigation conducted by the CID should be monitored by the Superintendent of Police Guna and the Superintendent of Police Guna shall submit status reports to this Court.

6. Looking to the contentions raised on behalf of the petitioner in I.A.No.12338/2024 regarding harassment of Gangu @ Gangaram of the hand of the police officials in and outside Central Jail, Guna prima facie it appears to this Court that Gangu @ Gangaram till further orders of this Court be transferred to some other jail, accordingly, he is directed to be shifted to Central Jail, Gwalior forthwith.

7. Since the safety of Gangu @ Gangaram though an accused is also an eye witness to a custodial death, his safety is the duty of the jail authorities, therefore, Director General of Prisons and I.G. Prisons are directed to examine the matter and if they find any threat to Gangu @ Gangaram in Central Jail Gwalior, where he is being shifted on the orders of this Court, immediate action be taken against the erring officials, with an intimation to this Court.

8. Office is directed to send the copy of this order to the Superintendent of Police, Guna, Director General of Prison/ I.G., Prisons for necessary compliance.

9. Let status report be submitted in the aforesaid regard by Superintendent of Police, Guna.

10. List the matter on 28.1.2025 .

(MILIND RAMESH PHADKE)
JUDGE

(aspr)