

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8374 of 2016

- Govind Singh S/o Late Sadan Singh Aged About 48 Years R/o Village Salka, Police Station & Tehsil Khadgawan, District Korea, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Khadgawan, District Korea, Chhattisgarh.

---- Respondent

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MCRC No. 8450 of 2016

- Ajay Singh s/o. Govind Singh Aged About 26 Years R/o Village Salka, Police Station & Tehsil Khadgawan, District Korea, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Khadgawan, District Korea, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Otwani and Mr. Pawan Shrivastava,
Advocates.
For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.
For Objector : Mr. Ishwar Jaiswal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-01-2017

1. Since both the aforesaid bail applications arise out of same crime No. 177 of 2016, they are heard analogously and are being disposed of by this common order.
2. Both the bail applications are filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 2-11-2016 in connection with Crime No. 177 of 2016, registered at Police

Station Khadgawan, District Korea (CG) for the offence punishable under Sections 147, 148, 149, 307, 294 & 435 of the IPC.

3. As per prosecution case, a report was lodged by one Smt. Mamta Choubey on 2-11-2016 at 9.30 a.m., that she had purchased the land at village Salka and on the date of incident i.e., 2-11-2016 she along with her brother-in-law Rajendra Choubey and her driver went to her land wherein Ram Vichar Kewat sowed harvest, he was advised not to do as the land was purchased by them. When it was objected, at that time, Ram Vichar Kewat, his family members and present applicants Govind Singh and Ajay Singh along with other co-accused persons abused them and started assaulting the complainant. During such course, Rajendra Choubey, brother-in-law of the complainant was caught hold by present applicants Govind Singh and Ajay Singh and other accused persons assaulted him by way of axe. Subsequently complainant was also caught hold by the present applicants and she was assaulted by way of sickle and thereafter vehicle of the complainant i.e., Safari CG-15-B-1177 was set to fire and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants would submit that the applicant Govind Singh was working as a Teacher in Government Primary School, he referred to the documents which have been filed for taking on record and would submit that the applicant was not present on the spot at the relevant time which would be evident from the Panchnama of the villagers and attendance register of the school. He would further submit that the injuries sustained by the victims have not been caused by the present applicants and the injuries sustained by the victims are simple in nature. Victim Rajendra Choubey was advised to admit in the Government Hospital, instead he chose to admit in Ramakrishna Care Hospital to exaggerate the issue. He would further submit that the charge-sheet has been filed in this case, applicants are in jail since 2-11-2016, therefore, they may be released on bail.

5. On the other hand, learned State counsel as well as learned counsel for the Objector oppose the prayer for grant of bail.
6. It is submitted by the State counsel that there is sufficient evidence against the applicants, apart from this case, 11 cases under different Sections of IPC and Cr.P.C., including preventive nature of offences are registered against the applicant Govind Singh and “danda” was seized from the possession of the applicant Ajay Singh on his memorandum, therefore, they are entitled to be released on bail.
7. Learned counsel for the objector would submit that medical report shows that the victim Rajendra Choubey sustained fracture of 6th and 7th ribs and he was admitted in ICU, Ramkrishna Care Hospital.
8. I have heard learned counsel for the parties and have also perused the case diary, charge-sheet and the documents.
9. As per documents filed by applicant Govind Singh, he was shown to be not present on the spot as according to Panchnama of villagers as he is shown to be present in the house whereas in the register of school, he was shown to be present in school at the time of incident, so two contradictory facts have been projected. The documents would further show that 11 cases under different Sections of IPC and Cr.P.C., are registered against applicant Govind Singh.
10. Perused the statements of the victims Rajendra Choubey and Mamta Choubey and also medical report which would show that victim Rajendra Choubey sustained fracture of 6th & 7th ribs and he was admitted in hospital.
11. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence and considering the statements of the victims and the medical report and further considering the fact that the vehicle of the complainant was set to fire, back ground of the case and the evidence available against the present applicants, I am of the considered opinion, prima facie that it is not a fit case where the applicants can be enlarged on bail.

12. Accordingly, the bail applications filed under Section 439 of the Cr.P.C., are
liable to be and are hereby dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju