

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7711 of 2017**

Ajay Singh S/o Govind Singh Gond, Aged About 26 Years R/o Village  
Salka, P.S. & Tehsil Khadgawan, District Korea, Chhattisgarh --  
**Petitioner**

**Versus**

State of Chhattisgarh through P.S. Khadgawan, District Korea,  
Chhattisgarh --- **Respondent**

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| For the applicant  | : | Mr. Pawan Shrivastava, Advocate.  |
| For the Respondent | : | Mr. Bhaskar Payashi, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**03.01.2018**

1. This is 3rd bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 177/2016 registered at Police Station Khadgawan, Distt. Korea, Chhattisgarh (C.G) for the offences punishable under Sections 147, 148, 149, 307, 294, 435 of IPC.
2. The first bail application was dismissed on 03.01.2017. The second one was dismissed on 05.10.2017.
3. As per the prosecution case, a report was lodged by one Smt. Mamta Choubey on 02.11.2016 that she had purchased the land at village 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 visit her land wherein Ram Vichar Kewat sowed harvest, he was advised not to do so as the land was purchased by them. When it was objected, at that time, Ram Vichar Kewat, his family members, present applicant Ajay Singh along with other co-accused abused them and started

assaulting the complainant. During such course, Rajendra Choubey, brother-in-law of the complainant was caught hold by the present applicant Ajay Singh & co accused Govind Singh and other accused persons assaulted him by way of Axe. Subsequently, the complainant was also caught hold by the present applicant and she was assaulted by way of sickle and thereafter vehicle of the complainant i.e., Safari bearing Regn. No. C.G. 15-B/1177 was set on fire and thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that two of the main witnesses namely Mamta Choubey and Rajendra Choubey have been examined as P.W.1 and P.W.2 and after evaluating the evidence, the involvement of the present applicant is completely diluted. He further submits that the motive has also not been stated, therefore, the present applicant may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Perused the statement of Smt. Mamta Choubey (P.W.1) wherein the allegations have been attributed to the present applicant also. Considering the role of the applicant, at this stage, it would not be proper for this Court to evaluate the evidence as a whole by reading the statements in between the lines as it would amount to usurping the power of the trial Court. Therefore, I do not find any change of circumstances in the matter. Accordingly, this bail application is rejected.

**Sd/-  
GOUTAM BHADURI  
JUDGE**