

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 129 of 2019

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

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Khadgawan, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pawan Shrivastava, Advocate

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.01.2019

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.177/2016 registered at Police Station- Khadgawan, District Korea (C.G.) for the offence punishable under Section 147, 148, 149, 307, 294 & 435 of Indian Penal Code. The first bail application was dismissed on 03.01.2017 and second bail application was dismissed on 28.11.2017.
2. As per prosecution case, a report was lodged by one Smt. Mamta Choubey on 02-11-2016 at 9.30 a.m., that she had purchased the land at village Salka and on the date of incident i.e. 02-11-2016 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 applicant Govind 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 applicant Govind Singh and other accused persons assaulted him by way of Axe. Subsequently, 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 CG-15-B-1177 was set to fire and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that two other co-accused Smt. Bansmati & Smt. Manmati have been released on bail, the victim Mamta Choubey & Rajendra Choubey has been examined and the applicant is in jail since 02.11.2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the applicant is in jail since 02.11.2016, the main victim have been examined, there is no chance of tampering the evidence and the trial may take some time, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge