

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 723 of 2019

Ajay Singh S/o Govind Singh Gond Aged About 26 Years R/o Village
Salka, P. S. And Tehsil Khadgawan, District Korea Chhattisgarh,
District : Koriya (Baikunthpur), Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through Police Station Khadgawan, District :
Koriya (Baikunthpur), Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Pawan Shrivastava, Advocate.
For the Respondent	:	Mr. Ghan Shyam Patel, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.02.2019

1. This is 4th 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, second one was dismissed on 05.10.2017 and the third one was dismissed on 03.1.2018.
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 similarly placed accused Govind Singh has been enlarged on bail by this Court on 22.01.2019 in M.Cr.C.No.129 of 2019 and this applicant is in jail since 02.11.2016.. He submits that the case of the present applicant is also similar to that of co-accused Govind Singh and others as almost same set of allegations have been levelled against him.
5. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that similarly placed accused has been enlarged on bail by this Court.
6. Perused the case diary and documents. Considering the fact that the applicant is in jail since 02.11.2016 and similarly placed accused have been enlarged on bail as also the fact that the main victims have been examined and there is no chance of tampering evidence and further considering the fact that the trial may take some time, I am inclined to release the present applicant on bail.
7. Accordingly, this bail application filed u/s 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released

on bail on furnishing a personal bond in 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.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao