

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1137 of 2019**

1. Ram Vichar Kenwat S/o Banshdhari Aged About 50 Years R/o Village Salka P. S. Khadganwa, District Korea Chhattisgarh
2. Bihari Lal S/o Late Vanshdhari Aged About 50 Years R/o Village Bhandi, P. S. And Tahsil Baikunthpur, District Korea Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through P. S. Khadganwa, District Korea Chhattisgarh

---- Respondent

For Applicants : Shri F.S. Khare, Advocate

For Respondent/State : Shri Anant Bajpai, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/03/2019**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 02.11.2016 in connection with Crime No. 177/2016 registered at Police Station P.S. Khadganwa, District Korea (CG) for the offence punishable under Sections 147, 148, 149, 294, 307, 435 IPC.
2. 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, 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 Ajay Singh 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.

3. Learned counsel for the applicants submits that the applicants are in jail since 02.11.2016 and despite repeated summons the doctor is not examined. He further submits that the statement of the doctor Siddharth Tamrakar (PW-12), who examined the injured Rajendra Kumar Choubey would show that the injuries were not grievous in nature and there is no chances of tampering the evidence and the considerable delay has been caused in the trial, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statements. Considering the fact that the applicants are in jail since 02.11.2016 and the main witness injured Rajendra Kumar Choubey has been examined and the doctor has also been examined and there is no chances of tampering of evidence and the delay has also occurred, I am inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be

released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu