

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.947 of 2018

1. Phulwati @ Phulmet W/o Balam, aged about 30 years.
2. Balam Ram S/o Dhiran Ram, aged about 29 years, both are R/o village Revatpur, Chhalakupara, Police Station Rajpur, District Balrampur-Ramanujganj (C.G.).

---Applicants

Versus

State of Chhattisgarh, Through - Police Station Rajpur, District Balrampur-Ramanujganj (C.G.).

---Respondent

For applicant	:	Shri Akath Kumar Yadav, Advocate.
For State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam KoshyOrder on Board06/04/2018

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 58/2017 registered at Police Station Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 307, 450, 34 of IPC.
2. Present applicants are in jail since 07/05/2017 and 09/05/2017 respectively.
3. The allegation against the present applicants as per the prosecution case is that, the present applicants who are husband and wife is said to have on the date of incident i.e. on 06/05/2017 have entered into the house of the victim – Tuleshwari and assaulted her with an axe and caused four injuries.

4. The counsel for the applicants submits that all the four injuries were not on the vital part of the body and that the nature of injuries were also not grievous and they have already remained in custody for almost 11 months and therefore prayed for releasing the applicants on bail.

5. The State counsel however opposing the bail application submits that it is a case where the applicants have assaulted the victim by using an axe and have caused four injuries and therefore taking into consideration the gravity of the attack, the applicants did not deserve bail at this juncture and prayed for rejection of the appeal.

6. Having heard the contentions put forth on either side and on perusal of record so also considering the period of custody already undergone by the applicants and considering the fact that the nature of injuries also is not grievous and also considering the reason for fight between the two, coupled with the fact that the injured and the applicants are also relatives, this Court is of the opinion that prima-facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicants shall be released on bail on their executing 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. The applicants shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE