

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4460 of 2018**

1. Umesh Yadav @ Chotu S/o Nand Kumar Yadav, aged about 30 years, R/o Station Maroda Sangam Chowk, PS Newai Bhilai, Tehsil and District Durg (CG)
2. Amar Vijay Thakur S/o Hemkaran Singh Thakur, aged about 35 years, R/o Station Maroda, Shankar Para, PS Newai Bhilai, Tehsil and District Durg (CG)

---- Applicants**Versus**

State of Chhattisgarh through District Magistrate, District Durg
(CG)

---- Respondent

For Applicants	:	Shri Vijay K. Sahu, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/08/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 29.12.2017 and 17.01.2018 respectively in connection with Crime No. 268/2017 registered at Police Station- Newai District Durg (CG) for the offence punishable under Sections 294, 506, 323, 307/34 of IPC.

2. The allegation against the present applicants as per the prosecution is that the applicants along with co-accused are said to have assaulted injured Khamman Sahu on 05.12.2017 and in the process applicant no.1 is said to have snatched an axe from the hand of the injured and assaulted with the handle of that axe resulting head injuries

to the injured. The other accused persons also had given kick and fist blows to the injured.

3. Counsel for the applicants submits that the applicants have already remained in custody for a period of more than 8 months and that the injured did not suffer grievous injuries as he was discharged from the hospital after 48 hours of observation.

4. State counsel however opposes the bail application and submits that the applicants having ganged up assaulted the injured causing grievous injuries, therefore, they do not deserve to be released on bail.

5. Having considered the total facts and circumstances of the case, particularly taking note of the nature of injury caused and the duration he was under medical observation and also consideration the period of custody already undergone by the applicants, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**