

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7038 of 2017

Duhan Ram S/o Ramjeet Kanwar, Aged About 42 Years R/o Village Chendra
(Bhandarpara) P. S. Jhilmili, Police Out Post Chendra, District Surajpur
Chhattisgarh
---- **Applicant**

Versus

The State Of Chhattisgarh Through P. S. Jhilmili, Police Out Post Chendra
Chhattisgarh
---- **Respondent**

For Applicant	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.97 of 2017 registered at Police Station- Jhilmili, District Surajpur (C.G.) for the alleged commission of offence under Section 302 of IPC.
2. Case of the prosecution is that the applicant gave a *lathi* blow on the head of the victim, who succumbed to death.
3. Learned counsel for the applicant would submit that the applicant's wife Vimla is the prosecution eyewitness and she has clearly stated that the applicant attempted to outrage her modesty and despite applicant's insisting, he was not leaving his wife in which circumstance, the applicant in order to desist him for outraging modesty of his wife, gave single *lathi* blow which resulted in death. Therefore, it would not be a case of commission of offence under Section 302 of IPC.
4. On the other hand, learned State counsel opposes the prayer and submits

that even if it is accepted that the attempt on the part of the applicant was to desist the deceased from outraging modesty of his wife, he exceeded right of defence of his wife.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the statement of Vimla and that single blow was given by the applicant that too with *lathi* only, I am inclined to grant bail to the applicant, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge