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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1340 of 2017

- Nootan Devangan S/o Late Mitthu Devangan, Aged About 56 Years R/o Motipur, Ward No. 8 Milan Chauk, Thana Chikhli (Kotwali) District Rajnandgaon Chhattisgarh **--- Applicant**

Versus

- State of Chhattisgarh through Chauki Chikhli, Thana Kotwali, District Rajnandgaon Chhattisgarh **--- Respondent**

For the applicant : Mr. Samir Singh, Advocate
For the Respondent : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 658/2016 registered at Police Chowki Chikhli, P.S. Kotwali, Distt. Rajnandgaon (C.G) for the offence punishable under Section 307 of IPC.
2. As per the prosecution case, on 16.10.2016 a report was made by Thaneshwar Kumar Thakur that the present applicant assaulted his brother Rohit Kumar, by way of Scissors on his nose, abdomen and arm which was enough to cause death.
3. Learned counsel for the applicant would submit that the applicant was not the aggressor, the complainant himself came to the shop of the applicant and started assaulting the applicant and in order to protect himself and by way of self defence the incident has happened. It is further submitted that the applicant is in jail since 17.10.2016, therefore, he

may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the statement of victim Rohit Kumar. Considering the same and the way the offence has been committed, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE

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