

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3475 of 2019

Radha Bai, W/o. Teshuram, Aged About 38 Years, R/o. Ahibaran Nawagaon,
Police Station Suregaon, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Suregaon, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.14/2019, registered at Police Station –Suregaon, District – Durg (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 22.03.2019. No case is made out against the applicant for commission of offence under Section 302 of I.P.C. It is in fact a case of right to private defence, which has been exercised by this applicant. The deceased was husband of this applicant, who was on the date and

time of the incident quarreling with this applicant and beating and thrashing her sons. In the heat of argument, the deceased poured kerosene oil on the body of his two sons and was making an attempt to set them ablaze, in which he could not succeed. Thereafter, when he was trying to strangle his son, who is one of the witness of this case, the applicant came to rescue her son and strangled the deceased. Hence, it is a clear case of private defence. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that after the deceased was separated from the son of the applicant, the right to private defence has ended there, therefore, it is not a case of private defence, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the deceased, who is husband of this applicant had been quarreling and making an attempt to cause death of his sons, when this applicant strangled him with charger wire and also assaulted with fists, which has resulted in his death.
6. Considered on the submissions made and the contents of the case diary. After considering on the entire material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge