

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6481 of 2020

Emani Minz Wd./o Late Anand Minz, Aged About 35 Years Caste- Oran, R/o Village Kharpani, Bhanwar Toli, Police Station Kansabel, Distt. Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kansabel, Distt. Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Arun Kumar Shukla, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

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

Order On Board

06/11/2020

Heard.

1. The applicant is arrested in connection with Crime No.127/2019 registered in Police Station –Kansabel, District -Jashpur (CG) for alleged commission of offence under Sections 302, 201 IPC.
2. Case of the prosecution, in brief, is that the applicant assaulted her husband with the help of club repeatedly on his head, resulting in head injury, due to which, husband succumbed to death.
3. Learned counsel for the applicant would submit that this incident happened all of sudden without any intention or preparation when the applicant was being assaulted by her husband. As a matter of private defence, the applicant snatched the club from the hands of her husband and gave certain blow, due to which, husband unfortunately died. Learned counsel for the applicant further submits that the applicant herself has taken his husband for

treatment, which clearly shows that there was no intention to cause death. It is next submitted that no one has seen the incident and the case is based on only extra-judicial confession given to some of the witnesses. The applicant is in jail for last one year, therefore, at this stage, she may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that from extra-judicial confession given by the applicant to two independent persons Fulmati and her husband Suman, it is clear that the applicant had assaulted her husband on the head and that injury was sufficient in ordinary course of nature to cause death. Therefore, prima facie, a case of commission of offence alleged is made out against the applicant.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the nature and gravity of offence and that extra-judicial confession has been given to two independent persons, present is not a fit case for grant of bail.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge