

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8214 of 2020**

- Hemlata Katakwar W/o Late Vijay Katarar Aged About 35 Years R/o Ward No. 12, Samlai Chowk, Village Khokhara, P.S. Janjgir, District Janjgir-Champa, Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, P.S. Janjgir, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri C.R.Sahu, Advocate
For State	:	Ms. Samiksha Gupta, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/03/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.318/2020 registered at Police Station – Janjgir, District – Janjgir - Champa (C.G.) for alleged commission of offences under Section 302 / 34 of IPC.
2. Prosecution case is that the applicant and the co-accused chased and assaulted the deceased, due to which, he succumbed to death.
3. Learned counsel for the applicant would submit that the alleged overt act, even if admitted, was apparently done in exercise of private defence because the deceased had picked up pick-axe to assault the present applicant. Therefore, at the most, the alleged overt act would amount to culpable homicide not amounting to murder, though according to the applicant, whatever was done, was in exercise of right of private defence which is not an offence.
4. On the other hand, learned State counsel opposes prayer and submits that the material evidence collected during investigation shows that initially some quarrel had

taken place and thereafter, the deceased was found running towards the applicant with sickle. Thereafter, he was being chased by the present applicant and co-accused while holding weapon and thereafter, the deceased was caught and assaulted.

5. Taking into consideration the submission of learned counsel for the parties and the material on record with regard to version of the eye witness, I do not find it to be a fit case for grant of bail. The application is, accordingly, rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge