

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47423 of 2023

Applicant :- Subhash Chandra

Opposite Party :- State of U.P.

Counsel for Applicant :- Namrata Shukla, Santosh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Santosh Kumar Shukla, learned counsel for the applicant and Sri Rajiv Dhar Dubey, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 125 of 2023, under Sections 304 IPC, Police Station Sahar, District Auraiya, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the applicant under section 304 IPC and according to the FIR when due to dehydration, condition of the daughter of the informant became serious then informant taken her at the clinic of the applicant and applicant administered some bottles to her and thereafter her condition started deteriorating and she died.

4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and applicant never run any clinic and he is not a doctor and he is having a shop of general merchant and informant while going to hospital has taken some articles from his shop including glucose bottles and after the death of her daughter, she implicated the applicant in the present matter.

5. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 19.9.2023.

6. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is a quack and he is not a qualified doctor but in spite of it, he is running a clinic in the village and he also provided the treatment to the daughter of the informant and due to his wrong treatment, daughter of the informant died, therefore, he

should not be released on bail.

7. I have heard learned counsel for the parties and perused the record of the case.

8. Considering the fact that applicant was not a qualified doctor but in spite of it, he was running a clinic in the village and he also provided treatment to the daughter of the informant and due to his wrong treatment, she died and applicant is in jail in the present matter only since September, 2023, therefore, I am not inclined to release the applicant on bail.

9. Accordingly, the instant bail application stands ***rejected***, at this stage.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 7.11.2023

Ankita