

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47773 of 2023

Applicant :- Balram Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Gaurav Kakkar, Shubham Dwivedi

Counsel for Opposite Party :- G.A., Mohammad Danish

Hon'ble Ajay Bhanot, J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 519 of 2020 at Police Station-Panki, District- Kanpur Nagar under Section 304 IPC and Section 15 (3) of Indian Medical Council Act. The applicant is in jail since 11.10.2023.

The bail application of the applicant was rejected by the learned trial court on 26.10.2023.

The following arguments made by Gaurav Kakkar and Shri Shubham Dwivedi, learned counsels on behalf of the applicant, which could not be satisfactorily refuted by Shri Mohd. Anish, learned counsel holding brief of Shri Mohd. Danish, learned counsel on behalf of the informant and Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The deceased died while under treatment at a nursing home.
2. The applicant has no concern with the aforesaid nursing home. The victim was not under his treatment.

3. The F.I.R. is being leveraged to extort money from the applicant.

4. The applicant does not have any criminal history apart from the instant case. He is a professional doctor.

5. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- Balram Kumar be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 8.11.2023

Jaswant