

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 509 of 2015**

Umend Kumar Tandon S/o Chandram Tandon Aged About 48 years R/o Pathariya, Police Station - Pathariya, Distt. Mungeli Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station : Pathariya, Distt. Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Shri Arvind Singh, Advocate
For Respondent/State	:	Shir Satish Gupta, Govt. Advocate

Order On Board**03/07/2015**

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.107/2015, registered in Police Station- Pathariya, District -Mungeli, for alleged commission of offence under Sections 302, 304 (Part-II), 498-A read with Section 34 of the IPC.

Case of the prosecution, in brief, is that co-accused Teekam is alleged to have administered poison to his wife Jaikumari, who died on 5.3.2015. The allegation against the applicant is that between 20.2.2015 to 25.2.2015, Teekam used to bring his wife for treatment in Community Health Center where the applicant was posted as Dresser and the applicant himself was treating her by providing glucose intake, instead of referring the case to other hospitals or even to the doctor.

Learned counsel for the applicant submits that even if the entire case of the prosecution, as alleged against the applicant, is accepted, no case of commission of offence under Section 302 or even 304 Part-II is made out and at the most this could be a case of departmental action against the applicant for acting in a rash and negligent manner.

On the other hand, learned counsel for the State submits that the applicant who was posted as Dresser in a Govt. Hospital had full knowledge that if proper treatment is not provided and it being a case of suspect poisoning which may lead to death, yet he kept and treated himself without referring the patient to doctor or other hospital. Therefore, this shows his complicity with the husband of the deceased, the other co-accused.

Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the role alleged to have been played by the applicant and that it is only confined to he providing some kind of treatment and giving intravenous glucose, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)

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