

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4864 of 2017

Rakesh Khare S/o Shri S.P. Khare Aged About 54 Years Permanent
R/o Arya Colony Tifra, Police Station Sirgitti, Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police
Station Chakarbhata, Bilaspur, Dist- Bilaspur, Chhattisgarh.

---- Respondent

For applicant - Ms. Sharmila Singhai, Advocate.
For Respondent/State –Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/09/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.350/2014 registered in Police Thana-Chakarbhata, Bilaspur for offence punishable under sections 304(II), 270, 276, 420, 467, 468, 471, 120 (B), 34 of Indian Penal Code (as per charge sheet)

2. As per the prosecution case, the present applicant was partner in the Kavo Pharma who has supplied certain medicine & injection along-with Kavita Laboratory & Kavita Pharmaceutical.

It is further case of the prosecution that the State Government through Chief Medical and Health Officer (CMHO) on 08.11.2014 organized a sterilization camp at Seth Nemichand Jain Cancer Hospital, Pendari (Sakri) in which Dr. R.K.Gupta has performed Tubectomy procedures (TT operations) of 83 females. Thereafter, all 83 patients who had undergone TT operations were given the medicines in shape of medicine kit prepared and provided by the BMO, Takhatpur, containing Ciprocin-500 (antibiotic) and other medicines and they were discharged from the camp on the

same day i.e. 08.11.2014 and after reaching their respective residences and as per advice of the Doctor all the female patients took the medicine namely Ciprocin-500 as advised which were given to them in the hospital with the medicine kit, immediately thereafter they developed the symptom of pain, vomiting, nausea, congestion in the respiratory system and other discernible complications including brisk fall of blood pressure etc. and they got admitted in the District Hospital, Chhattisgarh Institute of Medical Science and also in Apollo Hospital, Bilaspur, for their treatment but out of 83 patients, 13 female patients died.

It is further case of the prosecution that said medicine Ciprocin-500 supplied by M/s. Kavita Laboratories were found to be substandard and containing Zinc Phosphide which is used for killing rats and the samples of the seized medicine Ciprocin-500 were sent to Shree Ram Institute for Industrial Research Centre, National Institute of Immunology, New Delhi and also to Qualichem Laboratories, Nagpur for chemical examination and report has been received in which presence of Zinc/ Aluminum Phosphide based on phosphine gas has been found and according to report sent by National Institute of Immunology, New Delhi, 500 mg of Ciprocin 500 has capacity to cause acute toxic shock in Rats within 24 hours and in that view of the matter above stated offences have been registered against the applicant and other co-accused persons by two police stations and applicant herein has been arrested in connection with the aforesaid offences and charge sheet has been filed against the applicant/ accused.

3. Learned counsel for the applicant submits that there are 6 accused all of them have been bailed out by the Hon'ble Supreme Court and by this High Court on the different dates and case of the applicant is similar to that of Manish Khare who has been enlarged on bail on 16/09/2016 vide M.Cr.C. No.4093 of 2016. It is submitted that no custodial interrogation is

required, applicant is in jail since 27/06/2017 and Manish Khare who was arrested on 28/06/2016 was bailed out on 16/09/2016, thereby he remained in jail for nearly 81 days and the applicant has passed more than 90 days in jail, therefore the applicant may be released on bail.

4. Learned State counsel is not able to dispute the fact that other co-accused have been enlarged on bail and also charge sheet has been filed.

5. Perused the order sheet of the other co-accused as also that of Manish Khare who has been enlarged on bail on 16/09/2016 vide M.Cr.C. No.4093 of 2016. Considering the fact that other co-accused have been enlarged on bail by this High Court and by the Hon'ble Supreme Court also, no further custodial interrogation is required, charge sheet has been filed and it is also not disputed by the state counsel that case of the present applicant is similar to that of Manish Khare who has been enlarged on bail on 16/09/2016 vide M.Cr.C. No.4093 of 2016, therefore this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

7. Learned counsel for the applicant submits because of the intervening holidays, applicant may be allowed to furnish bail before remand court.

8. Applicant shall be at liberty to furnish bail before the remand court

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE

