

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 234 of 2018**

Rameshwar Kashyap S/o Shri Kartik Kashyap, aged about 47 years,
R/o village Jhabadi, PS & Tahsil Kasdol, Civil & Revenue District
Balodabajar-Bhatapar (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Kasdol, Police Outpost Sonakhan, Civil & Revenue District
Balodabajar-Bhatapara (CG)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 18.11.2017 in connection with Crime No. 428/2017 registered at Police Station Kasdol, Police Outpost – Sonakhan, District Balodabajar-Bhatapara (CG) for the offence punishable under Section 304 of IPC.

2. The case of the prosecution against the present applicant is that he is said to be a medical practitioner having BAMS certificate. He had treated the deceased Ku. Sukruta Sagar on 15.09.17 and in the course of treatment given her certain injection and she later died.
3. Counsel for the applicant submits that there is absolutely no evidence available to show that the applicant had treated the deceased or that the applicant was in medical profession. He submits that the deceased died on 16.09.17 and even if the prosecution case is to be

believed, the applicant had treated her on 15.09.17 and therefore, the cause of death cannot be said to be the alleged treatment given by the applicant. He further submits that even the postmortem report does not disclose any definite opinion in this regard. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that though the applicant was not a qualified doctor, he was providing treatment to the villagers and the deceased also took treatment from the applicant. He further submits that in the course, the deceased was given an injection by the applicant with which she died. Thus, prayed for rejection of the bail application.

5. Given the entire facts and circumstances of the case and taking into consideration the fact that the alleged treatment having been provided by the applicant on 15.09.17 and the death having taken place on 16.09.17 and the postmortem report also not having given any definite opinion as to the cause of death, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**