

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7578 of 2017

- Vishnu Prasad Sahu S/o Late Ramashankar Sahu Aged About 37 Years R/o Village Pawani Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta,
Advocate.

For the Respondent/State : Shri Vinod Tekam, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.01.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 312/2017, registered at Police Station –Bilaigarh, District – Baloda Bazar, Bhatapara, (C.G), for the offences under

Section 304/34 of the Indian Penal Code and Section 24 of M.P Ayurvedic Adhiniyam 1987.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 12.08.2017. The applicant is working as a medical practitioner and he treated the deceased when she was brought because of some illness. There is no connection of the death of the deceased with the medical treatment given by this applicant. After completion of investigation the charge-sheet has been filed, no case is made out against the present applicant, hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submits that the applicant is not qualified as medical practitioner, due to his inadvertent act of medically treating the deceased death has been caused, therefore, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident the deceased - Shivratri Sahu become ill and she was brought to this applicant by her mother, after getting some treatment she felt better and went back to her house. On the evening of same day, she again felt ill because of which, again she was brought to the applicant, during the treatment given by the applicant she died. Mother of the deceased has lodged FIR against the applicant.
6. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal