

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1023 of 2019

- Mahesh Ram Patel, S/o Late Gokul Prasad Patel, Aged About 55 Years, R/o Village- Rohra, Police-Station-Pandatarai, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-City Kotwali, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

12/07/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.156/2019 registered at Police Station- City Kotwali, District-Kabirdham(C.G.), for the offence punishable under Sections 294, 323, 506(B)/34 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Sections 4 & 5 of C.G. Medicare Service Persons and Medicare Service Institutions (Preventions of Violence and Damage or Loss to Property) Act, 2010.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case of commission of offence under Section 3(1) (x) of S.C. & S.T. (Prevention of atrocities) Act is made out. Earlier similarly placed co-accused persons have

been granted anticipatory bail by this Court in MCRCA No.550 of 2019 vide order dated 15.4.2019, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that there is bar under Section 18 of Atrocities Act, 1989 therefore, this application can not be entertained.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged that on the date of incident son of co-accused Bhekh Ram Patel was given medical treatment by the complainant and during the treatment he died. It is alleged that applicant and co-accused persons blamed the complainant, who is a Physician, that he had given erroneous treatment and then abused, threatened, assaulted and injured him. Hence, this case.
6. After considering the entire material present in the case diary and the submissions made, it appears that the incident took place on account of fact that the applicants were of the view that the deceased son of co-accused was not given proper treatment, therefore, after due consideration, I feel inclined to allow the application of this applicant.
7. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha