

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4362 of 2019

Panna Lal Gupta, S/o. Vaidyanathan Gupta, Aged About 26 Years, R/o. Kutipara, Paragaon, Police Station Gobara Nawapara, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Gobara- Nawapara, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raja Ali, Advocate
For Respondent/State	: Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.170/2019, registered at Police Station – Gobra - Nawapara, District – Raipur (C.G.) for the offence punishable under Section 304 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 11.04.2019. This applicant was not the person, who had prescribed any medicine on the contrary the medicine and the injections were brought by the deceased from Laxmi Mata Hospital

and the applicant was called only to administer the same. Apart from that, the deceased has died due to cardiac respiratory failure. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant has no qualification for administering any medicine or injecting the medicine, even then he acted in an inadvertent manner, which has resulted in the death of the deceased. Therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on 09.04.2019 Rupesh Dewangan was suffered from Gastric problems because of which his wife got medicine prescribed from Laxmi Mata Hospital and the applicant was called to administer the medicine and to inject the injections. Soon after administering and injecting the medicine to the deceased, the medicine reacted on the deceased because of which, he was taken to the hospital, where he was declared dead.
6. Considered on the submissions made and the contents of the case diary. After considering on the over all facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram