

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1749 of 2018**

Satya Kumar Singh S/o Ramsakal Singh Aged About 46 Years R/o Nageshwar Nagar, birgaon, raipur, District- Raipur, chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station- Amanaka, raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vinay Pandey, Advocate.
For the Respondent/State : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 246 of 2018, registered at Police Station – Amanaka, District Raipur, Chhattisgarh for the offences punishable under Sections 147, 148, 149, 254, 323, 506 and 427 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Apart from the offence under Section 3 of the Chhattisgarh Medicare Service Persons and Medicare Service Institutions

(Prevention of Violence and Damage or Loss to Property) Act, 2010, which is a non-bailable offence, rest of the offences registered against the applicant are bailable in nature. The applicant himself has made allegation against the complainant regarding the negligence of treatment of his wife who had died during the course of treatment. Hence, to create a defence and to prevent, this applicant from approaching legal authorities a false FIR has been lodged against him. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence against this applicant that he has caused damage to the property of the hospital of the complainant. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. As the case is that on 10.9.2018, wife of the applicant was admitted in Jivan Jyoti Hospital, Tatiband for treatment after she has suffered accidental injury. Wife of the applicant expired. The applicant made allegations against the doctors and hospital authorities that his wife was not given adequate and proper treatment, she has died because of the negligence of the doctors and thereafter, he also caused damage to the hospital property. Hence, this case.

7. After considering on the material present in the case-diary and looking to the nature of the case and circumstances in which the offence as alleged

to have been committed by the applicant, I am of the view that the applicant deserves to be released on anticipatory bail.

8. 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 executing a personal bond in 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 them 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