

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 96 of 2020**

- Ubaran Das Karsayal S/o Shri Haridas Karsayal Aged 57 Years R/o Urla Police Station Urla District Raipur Chhattisgarh Civil And Revenue District Raipur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Urla Raipur Chhattisgarh

---- Respondent

For Applicant
For Respondent/State

Mr. Ajay Mishra, Advocate
Mr. KK Singh, Government Advocate

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

16/6/2020

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure filed by the applicant, who is apprehending his arrest in connection with Crime No.570/2019 registered at Police Station Urla Raipur (CG) for the offence punishable under Section 304 of IPC.
3. The applicant is a registered Medical Practitioner at the same village where deceased Geeta Bai was residing. For some ailment, the deceased approached the applicant for treatment, on which, she was administered some injection in good faith,

however, the condition of the deceased did not improve. Later on, the deceased was taken to Narayana Hospital, Raipur, where she succumbed to death.

4. Considering that the incident occurred only on account of negligence without there being any intention to commit murder and for the fact that the applicant is aged about 57 years, I am of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.PC to the applicant.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) he 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 for disclosing such facts to the Court or to any Police Officer.

6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

7.