

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1278 of 2020

Dileshwar Kumar Verma S/o Khorbahra Ram Verma Aged About 48 Years R/o Village Kopedih, O.P- Tumdibod, Police Station- Lalbagh, Tehsil And District Rajnandgaon Chhattisgarh. (Wrongly Mentioned O. P. Tumdibod In Impugned Order Sheet), District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Chowki Tumdibod (P S Lalbagh) District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri R. K. Rathi, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/03/2020

Heard.

1. The applicant has been arrested in connection with Crime No.62 of 2020 registered at Police Station- Tumdibod (Chowki), Lalbagh Police Station, District- Rajnandgaon (CG), for alleged commission of offence under Sections 308, 420 IPC and Section 3/12 of the C.G. Rajya Upcharyagriha tatha Rogopchar Sambandhi Anugyapan Adhiniyam, 2010.
2. Case of the prosecution is that the applicant though not a registered practitioner, administered medicine to the patient resulting in allergic reaction.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The allegation of applicant administering medicine by injecting is not correct. He would submit that even if it is accepted at this stage that the medicine was injected by the applicant, no complication has come forth except small allergic reaction. He further submits that as the

investigation is complete, charge sheet has been filed and that the applicant is not a habitual offender, he may be enlarged on bail.

4. On the other hand, learned counsel for the State, opposing the application, would submit that the applicant was not a registered practitioner entitled to treat a patient by injecting medicine. He submits that because of the dangerous act of the applicant, condition of the patient could be fatal. Therefore, a prima facie case is made out against him.
5. Having considered the submissions made by learned counsel appearing for the parties, material available on record and also that as a result of administration of medicine, the only effect is stated is some allergic reaction and no other serious complication and further that investigation is complete, charge sheet is filed and the applicant does not appear to be habitual offender, I am inclined to allow the application.
6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.
7. This bail is being granted on the specific condition that the applicant shall not involve himself in any kind of treatment. If, in future, he is again found to be indulged in similar act, the State would be at liberty to apply for cancellation of bail and the bail granted to the applicant shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge