

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 396 of 2020**

- Dr. Prateek Naresh Kaushik S/o Shri Naresh Chandra Kaushik Aged About 47 Years Occupation Doctor , Chest Physician, R/o C/28, Saket Colony, Ward No. 20, Near Raipur Naka Katanwadi, SAF Lines, Bhilai, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Basantpur, Rajnandgaon, Tehsil And District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant :- Mr. R.S. Marhas, Advocate
For Respondent-State :- Mr. Chandresh Shrivastava, Dy.A.G.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**29/06/2020**

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.475/2019, registered at Police Station Basantpur, District Rajnandgaon for offences punishable under Sections 304-A, 420 read with Section 34 of the IPC.

2. Deceased - Pulkesh Sahu was admitted for treatment to Shukla Multispeciality Hospital, Rajnandgaon on 26.09.2019, as he had suffered a road accident. He was treated by one – Chaman Lal Nishad. It is alleged that applicant is one of the Director of the said hospital, who was not present for treating the patient and instead the treatment was given by Chaman Lal Nishad, who is not a Doctor. The prosecution thus alleges that the deceased died because of his negligence.
3. Admittedly, Chaman Lal Nishad, who initially treated the deceased has been granted anticipatory bail by the Coordinate Bench in MCrCA No.2179/2019.
4. Learned State counsel would oppose the prayer for anticipatory bail.
5. Considering that co-accused (Chaman Lal Nishad) has already been released on anticipatory bail and the applicant is a qualified Doctor, who has treated the deceased in good faith, this Court is inclined to extend the benefit of anticipatory bail.
6. 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 from disclosing such facts to the Court or to any police officer.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi