

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1986 of 2019

Kulendra Kumar Patel S/o Uday Ram Patel, aged about 56 years R/o Village Rohra, Post Palawsari, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kabirdham Civil And Revenue District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Naveen Yadav, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/03/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 156/2019, registered at Police Station: Kabirdham, District: Kabirdham (C.G.) for the offence punishable under Section 294, 323, 506 (B), 34 of IPC and Section 3 (1), (10) of the SC & ST Act and Section 4 & 5 of the C.G. Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.
2. According to the case of prosecution, on the date of incident because of death of Vijay Patel who is the son of co-accused Bhekh Ram Patel, the present Applicant and other accused person abused the complainant on the allegations that deceased had died due to erroneous treatment given by the complainant and have also threatened and injured the complainant. Allegedly the present Applicant also abused the complainant by the name of his caste. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that Prima Facie no case can be made out against the Applicant because the son of co-accused Bekhram met with an accident on 21.03.2019 and was admitted to the private hospital of the complainant, where he died during course of his treatment. Being aggrieved, the Applicant and other co-accused person reacted and called explanation from the doctor as for what reason the son of co-accused Bekhram had died and same simple argument had taken place. The son of the Applicant died due to

erroneous treatment provided by the complainant therefore, he filed a complaint to the police on the same day on which no action had been taken thereafter repeated application were filed by the Bekhram and other co-accused persons but despite of police had not taken any action. Thereafter, the complainant with the purpose of making a defence in his favour lodged this false FIR belatedly on 28.03.2019. It is further submitted by the counsel that on the same facts and evidence other co-accused person namely Bekhram Patel & Visheshar Patel have been granted anticipatory bail vide order dated 15.04.2019 and another co-accused namely Mahesh Ram Patel have been granted anticipatory bail vide order dated 12.07.2019 therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering the fact that other co-accused persons have been already granted benefit of anticipatory bail by this Court, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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 him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge