

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2179 of 2019**

Chaman Lal Nishad S/o Shri Sadhu Ram Nishad, Aged about 36 years R/o Ward No. 12, Benidih, Post Benidih, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Basantpur, District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Ishan Verma, Advocate
For Respondent	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

03/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 475/2019 registered at police station – Basantpur, District Rajnandgaon (C.G.) for the offence punishable under Sections 304-A & 420/34 of the Indian Penal Code.
3. According to the case of the prosecution, a written report was lodged by one Padmesh Kumar Sahu, brother of deceased on 27/09/2019 alleging therein that on 26/09/2019, his brother met with an accident and was admitted in Shukla Multi Specialty Hospital, Rajnandgaon, where the applicant is one of the partner. It is alleged that without being qualified doctor, the applicant had treated the deceased. On

27/09/2019, Pulkesh Sahu died during course of treatment due to medical negligence of the hospital. It is also alleged that after the death of the deceased, his medical treatment documents were also manipulated and thereby committed the offence.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute. He further submits that the applicant is only one of the partner of the said hospital and he is not qualified doctor. He was only involved in the management of the said hospital. He never treated the deceased. After the death of the deceased, a false and fabricated complaint has been lodged due to some political pressure. He further submits that the applicant has neither treated the deceased nor he manipulated or corrected any medical document of the deceased, therefore, no case is made out against him.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering that the doctors who treated the deceased are Dr. Gourav Jain and Dr. Prateek, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul