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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 25 of 2021**

- Dr. Amolak Jain, S/o late Motilal Singhi, aged 49 years, R/o Chaukhadiya Para, Rajnandgaon, PS and Tehsil Rajnandgaon, District Rajnandgaon (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Basantpur, Rajnandgaon District Rajnandgaon (CG)

---- Non-Applicant

For Applicant : Shri Vivek Chopda, Advocate.

For Non-Applicant : Shri Anmol Sharma, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/03/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.474/2020, registered at Police Station Basantpur, District Rajnandgaon for offence punishable under Sections 288, 337, 304 and 188/34 of the IPC.
2. The applicant is the husband of Dr. Vijayshree Jain, who was constructing a Nursing Home at Rajnandgaon. In course of construction, one lady labour namely, Jyoti Sahu died in an accident involving falling of under construction slab on 15.12.2020.
3. It is alleged by the prosecution that the construction was in deviation of the sanctioned building plan for which notice was issued to the applicant's wife on 2nd December, 2020, but yet the construction was

not stopped.

4. Learned State Counsel would oppose the prayer for grant of anticipatory bail. According to him, had the construction been stopped, the accident would not have occurred.
5. There is no evidence in the case diary that had the construction been adhered to the sanctioned plan, the accident would not have occurred. In any case, there is no material that there was deliberate culpable negligence on the part of the applicant, which was the cause of the accident, resulting in death of deceased Jyoti Sahu.
6. The applicant is a Doctor, having no criminal antecedents. Therefore, considering the entire fact situation of the case, I am inclined to release the applicant on anticipatory bail.
7. 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 not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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/-
Judge
(Prashant Kumar Mishra)

Barve