

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1736 of 2021

1. Girish Chandrika Prasad S/o Shri Chandrika Prasad Shrivastava, Aged About 55 Years, R/o Village And Post Tumdibode, Police Station O.P. Tumdibode, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station O.P. Tumdibode, Police Station Lalbagh, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant : Mr. Prafull N. Bharat, Advocate.

For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 06/02/2021 in connection with Crime No. 57/2021 registered at O.P. Tumdibode, Police Station Lalbagh, District Rajnandgaon (C.G.) for the offence under Section 304 of IPC, under Section 24 of CG. Ayurvigyan Parishad Adhiniyam, 1987, under Section 4 & 12 of CG. State Upcharyagriha Tatha Rogopchar Sambandhi Sthapanaye Anugyapan Adhiniyam, 2010.
- 2) Case of the prosecution, in brief, is that mother of the complainant Smt. Devki Bai was a sugar patient and had a wound on her leg, for which she took treatment in District Hospital Rajnandgaon where she remained hospitalized for 11 days and recovered from the same. A week prior to the date of incident i.e. 03/12/2019 again a wound was there on the left leg toe for which the complainant took his mother Devki Bai on 02/12/2019 to the Clinic of the applicant who administered her injection and glucose and

discharged her in the evening prescribing certain medicines which were consumed by his mother in the night. Next date i.e. 03/12/2019 the complainant again took his mother to the Clinic of the applicant where the applicant administered injection and glucose to his mother. However, at about 2 PM condition of the complainant's mother started deteriorating. The applicant again injected her and administered glucose, however during treatment she died.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is a registered Medical Practitioner, he took all possible care in treating the deceased and that the ingredients of the offence alleged against the applicant are missing in this case. The applicant is 55 years old, he is in jail since 06/02/2021, charge sheet has not been filed, there is no criminal antecedents of the applicant, and trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, that fact that the deceased Devki Bai was suffering from diabetes and had developed gangrene, the applicant has Diploma in Homeopathy and Surgery (Annexure A-2 & A-3), he is a duly registered practitioner under Bombay Homeopathy Practitioner Act, he also possesses a certificate of Modern Pharmacotherapeutics, as per FSL and Postmortem report no specific reason is shown regarding cause of death of the deceased, the detention period of the applicant who is 55 years old, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, charge sheet has not been filed and the trial is likely to

take some time for disposal due to COVID-19 Pandemic, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with **two** sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-

- i. 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 fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge