

Nasruddin vs The State Of Madhya Pradesh on 17 September, 2024

Author: Subodh Abhyankar

Bench: Subodh Abhyankar

NEUTRAL CITATION NO. 2024:MPHC-IND:27254

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 17th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 38507 of 2024
NASRUDDIN
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Shri Abhay Saraswat - Advocate for the applicant.
Shri Amit Bhatia, Govt. Advocate appearing on behalf of
General.
Shri Ajay Raj Gupta, Advocate for the respondent/objector.

ORDER

1] This is the first bail application filed by the applicant under Section 438 of the BHARTIYA NAGRIK SURAKSHA SANHITA, 2023/ section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.77/2024 registered at Police Station Chandrawatiganj, District Indore (MP) for offence punishable under Section 304 of IPC and Section 21/24 of M.P. Ayurvighyan Parishad Adhiniyam, 1987. The applicant is in custody since 2.8.2024.

2] Allegation against the applicant is of causing death by negligence of a 14 year old boy by giving him wrong treatment and stitching his wound which led to his death due to septicemia despite the fact that the applicant was not a certified doctor.

3] Counsel for the applicant has submitted that after his anticipatory bail was dismissed as withdrawn by this Court vide order dated 29.7.2024 passed in MCRC.No.31784/2024, the applicant himself has surrendered before the Court and the charge sheet has already been filed and the final conclusion of NEUTRAL CITATION NO. 2024:MPHC-IND:27254 2 MCRC-38507-2024 trial will take sufficient long time. It is submitted that in a similar offence under section 24 M.P Ayurvighyan Parishad Adhiniyam,1987 the applicant has already been acquitted. Copy of judgment dated

9.1.2018 is also placed on record. Thus, it is submitted that bail application be allowed. 4] Counsel for the State as also counsel for the objector has opposed the prayer, and it is submitted that the applicant has indulged in similar activities in past and also had tried to administer the Allopathy medicine despite being an Electro Homeopathic Doctor.

5] Heard counsel for the parties and perused the record, and taking note of the fact that the deceased was a 14 year old boy and due to negligence on the part of the applicant by giving him wrong treatment and stitching his wound which led to his death due to septicemia, no case for grant of bail is made out. However, the applicant may renew his prayer after the charges are framed.

6] Accordingly the present petition stands dismissed with the aforesaid liberty.

(SUBODH ABHYANKAR) JUDGE das