

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 550 of 2015

Sanjay Kumar Jain S/o Late L.C. Jain Aged About 52 years Occupation- Agent Bajaj Alliance, Junihatri, Ward No. 25, Rajnandgaon, P.S. Kotwali, Rajnandgaon, Tah. & Revenue Distt. And Sessions Division- Rajnandgaon (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through- The District Magistrate, Raipur (Chhattisgarh)

---- Respondent

For Applicant/s	:	Shri PKC Tiwari, senior counsel along with Shri Shashi Bhushan Tiwari, counsel for the applicant/s.
For Respondent / State	:	Shri Manish Nigam, Panel Lawyer

Order On Board

15/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.1137/15 registered at police station – Railway Protection Force, Dongargarh, Distt.- Rajnandgaon, CG for alleged commission of offence under Section 143 of the Railway Act, 1989.

2. Prosecution case is that two persons were caught in the railway station selling railway tickets without authority and they disclosed the name of the applicant as the person who instructed them to do this illegal act.

3. Learned counsel for the applicant submits that the only basis of impleading the applicant is the memorandum of those who were caught red handed in the railway station selling railway tickets. It is submitted that the applicant is not involved in the alleged offence and he is a handicap person. It is also submitted that the other

two persons have already been granted regular bail. It is further submitted that as the applicant is a handicap, on this ground, he may be granted bail as he is willing to co-operate with the investigation.

4. On the other hand, learned State counsel submits that in view of the disclosure that the applicant is the person behind the illegal affairs, he is not entitled to grant of bail only because he is a handicap.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that other co-accused have been granted bail and that the applicant is a handicap as is apparent from the certificate (Annexure A/4), the application is allowed.

6. The applicant shall submit himself before the police within a period of 15 days from today. Upon his appearance before the SHO, he may be interrogated and he shall be released on bail on furnishing personal bond of Rs.20,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge