

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4779 of 2015

Tikam Das Harchandani, S/o late N.M. Harchandani, aged about 54 years, permanent resident of A-New 42/446, Bairagarh, Bhopal (MP) and H-118, Mahalaxmi Enclave, Sihava Road, Dhamtari (CG)

---- Applicant

Versus

State of Chhattisgarh, Through Anti Corruption Bureau, Raipur

---- Non-applicant

For Applicant: Mr. B.P. Sharma and Mr. Manish Thakur, Advocates.

For Non-applicant: Mr. Anil S. Pandey, Government Advocate with
Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.9/2015 (Special Case No.794/2015 pending in the Court of Special Judge under the Prevention of Corruption Act, Raipur), registered at Police Station: Anti Corruption Bureau, Raipur, for the offence punishable under Sections 11, 13 (1) (d) & 13 (2) of the Prevention of Corruption Act, 1988, and Sections 109, 120B, 409 & 420 of the IPC.
2. This bail application has been filed praying temporary bail for a limited period on medical ground. This Court by order dated 16-9-2015, directed the State to get the applicant examined by a team of three doctors including one Cardiologist.
3. In compliance of the order dated 16-9-2015, the applicant has been examined and report of the team of doctors has been produced in which

the applicant is said to have been suffering from Old AWMI with post PTCA with Cardiac arrhythmia with severe LV dysfunction with EF 20-25%, and he is advised for Implantable Cardiac Defibrillator.

4. Mr. B.P. Sharma, learned counsel appearing for the applicant, would submit that even as per report of the team of doctors of the State Government, implantation of Cardiac Defibrillator is absolutely necessary for the applicant. He would further submit that the applicant be given choice to get the Cardiac Defibrillator implanted with the advise of Padma Bhushan Dr. R.K. Caroli, New Delhi, at New Delhi or nearby places, as the condition of the applicant is extremely serious and is deteriorating day by day which is apparent from the earlier report and the report submitted by the doctors yesterday, and if bail is not granted, his condition is likely to become more worsened and would be untreatable, and therefore, at least temporary bail for one month be granted to get him treated and Cardiac Defibrillator implanted at the hospital of his choice. He would bring to the attention of the Court that it is the jail authorities who have called the applicant's relatives by wireless message considering his extreme serious condition and he is undergoing treatment at ICCU at present for last three weeks. He would also submit that the applicant is ready and willing to comply with the conditions, if any, imposed upon him by the Court and is also willing to surrender after completion of one month. He would also submit that the applicant's relatives have been called by wireless message (Annexure A-2) on 26-8-2015 by the jail authorities.
5. On the other hand, Mr. Anil S. Pandey and Mr. Anant Bajpai, learned counsel appearing for the State, would submit that necessary report has been submitted.
6. I have heard learned counsel appearing for the parties and perused the

case diary.

7. Taking into consideration the report submitted by a team of three doctors that the applicant is suffering from Old AWWMI with post PTCA with Cardiac arrhythmia with severe LV dysfunction with EF 20-25% and they have advised for implantation of Cardiac Defibrillator, taking note of his serious condition as he is said to be undergoing treatment in ICCU of Dr. B.R. Ambedkar Memorial Hospital, Raipur, further considering the need for such implanting of Cardiac Defibrillator as advised by the team of three doctors of the State Government, considering the submission that immediate release of the applicant is required for such Implantable Cardiac Defibrillator at New Delhi or nearby places and taking note of the submissions raised on behalf of the applicant duly recorded in paragraph 4 of this order, it would be expedient to release the applicant on temporary bail for a period of one month subject to following conditions: -
 1. The applicant shall furnish bail bond by tomorrow before the Chief Judicial Magistrate, Raipur or if he is on leave, before any other Judicial Magistrate on duty.
 2. The applicant shall surrender his passport, if any, before the trial Court and file affidavit that he will surrender himself positively upon completion of one month that is 26-10-2015 before the said Court.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court upon fulfilling the conditions mentioned hereinabove. He shall surrender on 26-10-2015.
9. The bail application stands disposed of.
10. Certified copy today.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma