

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5933 of 2015

1. Tikam Das Harchandani, S/o. Late N.M. Harchandani, aged about 54 years, Permanent R/o. A-New 42/446, Bairagarh, Bhopal (MP) and H-118, Mahalaxmi Enclave, Sihava Road, Dhamtari (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Anti Corruption Bureau, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Sharma, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on 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 I.P.C.
2. On mention being made, the case was listed for hearing on urgent temporary bail as it was contended by the counsel that the applicant is in ICCU.

3. Learned counsel for the applicant submits that earlier the applicant was granted temporary bail on 18.09.2015 by the co-ordinate Bench of this Court for treatment on the basis of report submitted by three doctors of State Govt. that applicant needs immediate medical help by experts. It is contended that thereafter, he was directed to surrender on 26.10.2015 before the Court and pursuant thereto, the applicant has surrendered. Counsel for the applicant further submits that after the said temporary bail was granted, when the applicant went for treatment to New Delhi and consulted two doctors and both of doctors have opined implantation can not be made within stipulated period within time of bail as close monitoring is required and the operation can be done after improvement of the conditions of the patient, which can not be done within a stipulated period of one month. He relied on the documents filed alongwith this application.
4. Learned State counsel submits that for the purpose of treatment, the applicant may not be released more than three months.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the documents placed before this Court and the fact that earlier the Co-ordinate Bench of this Court has released the applicant on temporary bail for one month on the basis of report of team of Doctors of State Government, and thereafter, certain reports have been placed on record about consultation by Doctors at Delhi. Therefore, it would be expedient to release the applicant on temporary bail initially for a period of four months as presently it is stated that he is in ICCU and certainly considering the documents and submission

made, advance treatment can not be provided in jail.

7. It is directed that applicant shall 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 trial Court for a period of four months from acceptance of bail bond. The applicant shall furnish the detailed medical treatment, which is availed by him during the period of temporary bail before the Trial Court periodically.
8. Accordingly, the bail application stands disposed of. However, the applicant is directed to surrender before the concerned trial Court immediately on the next day after completion of four months.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge