

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 778 of 2015**

Dhirendra Sharma S/o Late Prayagdutt Sharma Aged About 62 Years R/o Vinoba Nagar, Bilaspur, Police Station - Tarbahar, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station - Chakarbhatha, District - Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board**14/09/2015**

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.81/2010, registered in Police Station- Chakarbhatha, District- Bilaspur, for alleged commission of offence under Sections 420, 409, 34 of the IPC.

Case of the prosecution, in brief, is that during the period the applicant was posted and working as Chief Municipal Officer of Nagar Panchayat, Bodri between the period from 1.6.2005 till 31.8.2007, it was found that financial irregularities has been committed by him. It is alleged that financial irregularities involved more than Rs.52 lakh, in which the applicant as CMO and the other accused, President of Nagar Panchayat are involved.

Learned counsel for the applicant confines prayer for grant of bail only on the ground of acute illness of the applicant by submitting that the applicant is not in a position to move and in fact the applicant is suffering from paralysis. He is neither likely to abscond or tamper with prosecution witnesses nor in a position to hamper with fair investigation.

On the other hand, learned counsel for the State submits that not only the applicant but other officers are also involved in an embezzlement of huge amount from the fund of Nagar Panchayat. The applicant was also involved because he was working as Chief Municipal Officer of Nagar Panchayat.

In view of the submission made before this Court that the applicant is unable to move

and suffering from paralysis, this Court directed the State counsel to obtain report from the Chief Medical and Health Officer, Bilaspur. Learned State counsel submits that the applicant was examined by the Medical Board and the Medical Board, upon examination, has certified that the applicant is bedridden. He is unable to stand and walk and he has been catheterized. According to this report, the applicant is paralytic.

In view of the aforesaid report, I am inclined to grant anticipatory bail to the applicant only on medical grounds.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant 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;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge