

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 631 of 2016

Alok Agrawal S/o Shri Radheshyam Agrawal Aged About 45 Years
Posted As Assistant Engineer (Under Suspension) In The Office Of Chief
Engineer, Mahnadi Project, Water Resources Department, Raipur
(Chhattisgarh) R/o Opposite Tejaswani Girls Hostel, Parijat Extension,
Nehru Nagar, Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Economic
Offences Wing, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Khare, Senior Advocate along with Shri Harjas Singh & Shri Sanjay Kumar, Advocates
For Respondents/State	:	Shri Ramakant Mishra, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/03/2016

Heard.

1. This is the second application under Section 439 Cr.P.C. for grant of bail to the applicant on medical grounds.
2. Learned senior counsel appearing for the applicant submits that the applicant is a handicapped person and suffering from permanent

disability, he being a polio affected person since childhood. Learned senior counsel has referred to large number of documents relating to treatment, medical prescription, pathology reports, to submits that the condition of the applicant is deteriorating because of his detention in the jail. He submits that looking to various kind of ailments which the applicant is suffering, which is in addition to he being a polio affected person, he may be granted bail so that he may get proper treatment in the hospitals. It has also been submitted that many medical investigation facilities are not available in the State of Chhattisgarh and for want of proper medical care and treatment, the applicant is suffering. Therefore, only on this ground, prayer for grant of bail has been made. In the alternative, learned senior counsel argues that the applicant's case may also be considered for grant of temporary bail for a short period to enable him to get his treatment done.

3. On the other hand, learned counsel for the State has opposed the prayer and submits that there is no change in the circumstances and at the time of rejection of earlier bail application also, the extent of disability was indicated to be 60 per cent, which has not changed. The applicant was examined by the Medical Board also. All medical care and attention, needed for proper treatment, is being fully provided to the applicant in various hospitals and in future also, full care shall be taken to provide proper medical treatment to the applicant.
4. Considering the submissions made by learned counsel for the parties, material on record and that the applicant has prayed for grant of bail not on merits but only on medical grounds, at present, I am not inclined to grant bail. However, the respondent-authority is directed to provide all medical facilities including various investigation facility which as per the applicant are not available in the State of Chhattisgarh. The respondent-State is directed to provide the medical facility which the applicant is entitled looking to the ailments which have been stated by him. If necessary, the applicant should be taken to appropriate hospital where

every kind of medical facility is provided. If, in future, it is found that the applicant is not getting proper medical treatment, the applicant may revive his application.

5. With the aforesaid observations, the application is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge