

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2056 of 2016

1. 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 (C.G.), Civil and Revenue District – Dhamtari (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Anti Corruption Bureau, Raipur (C.G.)

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/07/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.9/2015, registered at Police Station – A.C.B., Raipur (C.G.) for the offence punishable under Section 11, 13 (1) (d) & 13 (2) of the Prevention of Corruption Act, 1988 and Section 109, 120B, 409 & 420 of I.P.C.
2. The counsel submits he do not want to press the application on merits. Learned counsel for the applicant would submit that the instant bail petition is particularly on the ground that the applicant is ailing of his heart disease and he is to be treated urgently, which is not possible in the government hospital and the implantation of certain equipment could not be done as the heart condition has deteriorated. Therefore,

without going into merits of this case, the bail has been sought for on the ground of treatment.

3. Perusal of the record would show that initially on the medical ground, the applicant was enlarged on bail on 18.09.2015 for one month. Subsequently, vide order dated 02.11.2015, passed in M.Cr.C. No.5933/2015, the applicant was further released on temporary bail for treatment for four months. In the meanwhile the petition under Section 482 of Cr.P.C. was preferred, which was numbered as Cr.M.P. No.286/2016, wherein also the time for extension of bail for medical treatment was prayed for and on different intervening dates, time was extended and on 03.03.2016 the Court made the following observation :-

“The date of surrender as has been told is on 05.03.2016. Since the repeated extension has been prayed for, this Court feel it expedient to get the applicant examined by the expert Doctors of the Medical College, Raipur. Therefore, the applicant shall appear before the team of Doctors, which would be constituted by three Senior Doctors of the State Government of the Hospital and the applicant shall appear before him on 04.03.2016.

The team of the Doctors shall examined the patient and give its full report as to whether further treatment is possible or not if the applicant is taken in to the custody. Further the condition of patient in all aspect should be furnished. The report should be placed before this Court on 08.03.2016 as holiday intervenes on 5th, 6th & 7th March, 2016.

Accordingly, the temporary bail granted for four months, where are expiring on 05.03.2016 is further

extended for a period of three days up till 8th March, 2016.”

4. Subsequently, the bail was further extended on 08.03.2016. Pursuant thereto, the Doctors had filed their report on 31.05.2016 and three Doctors' team was constituted of Dr. B.L. Banshal, Dr. R.K. Patel and Dr. Smit Shrivastava, wherein it was stated that in the opinion of the Committee, Mr. Tikam Das Harchandani can be taken into custody and undergo treatment for full illness.
5. Dr. R.K. Patel (MD Medicine), who is present before the Court and expressed certain medical terminology and would submit that the applicant can be treated, if he is taken into custody. The applicant was enlarged on bail for his treatment on 18.09.2015 and the same continued for time and again on the ground that he has not recovered. Ultimately, when the Doctors team was directed to be appointed, they examined the applicant and specific report is also filed that the applicant can be treated in the custody. The applicant if at all was so desired he could have get him self treated after 18.09.2015 and the treatment could have been availed. As appears in order to avoid arrest on some pretext or others, the bail is prayed for.
6. Considering the opinion of the team of the Doctors, it is not a case where treatment can not be provided in custody as stated by the Doctors. In a result I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge