

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5373 of 2016

Ashok Soni, S/o Ram Chandra Soni, aged about 53 years, Permanent, working as Assistant Manager, R/o M.I.G.-II/428, Sector-2, Deendayal Upadhyay Nagar, Raipur, Police Station D.D. Nagar, Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. State Economic Offence Investigation Bureau, Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Kishore Bhaduri and Mr. Pawan Kesharwani, Advocates.
For State/Non-applicant: Mr. Om P. Sahu, Govt. Advocate.	

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/10/2016

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, registered at Police Station State Economic Offence Investigation Bureau, Raipur, Distt. Raipur, for the offence punishable under Sections 420, 409, 109, 120B of the IPC and Sections 11, 13(1)(d), and 13(2) of the Prevention of Corruption Act, 1988.
2. This is the third bail application filed on behalf of the applicant for grant of regular bail. First bail application was dismissed on merits by order dated 24-8-2015. Second bail application was filed for grant of bail on the ground of participating in the 13th day death ceremony of the father of the applicant and the same was allowed by order dated 23-11-2015. By order dated 23-11-2015 though

conditional bail was granted to the applicant to participate in the 13th day death ceremony of his father, but the applicant could not be released, as he could not comply the order. Now, this third bail application has been filed on the ground that he is suffering from serious kidney disease for which he may be allowed two months' time to get proper treatment and diagnosis of the treatment at Mumbai / Delhi / Hyderabad.

3. Mr. Kishore Bhaduri, learned counsel appearing for the applicant, submits that the applicant is suffering from kidney disease and, therefore, two months' time be granted for treatment. He further submits that though bail was granted to the applicant earlier, he has not availed the benefit and thus, has not misused the liberty granted to him.
4. On the other hand, learned State counsel would oppose the application.
5. I have heard learned counsel for the parties and perused the case diary and other record available.
6. The matter was referred to the Medical Board and a medical certificate has been filed in which the District Medical Board has stated as under: -

"On examination of patient & medical records, we found following: -

i) Old operated case of obstructed umbilical Hernia (operation done on 06-05-2016 at Dr.BR Ambedkar Hospital Raipur.

ii) As per the records, the USG Abdomen, IVP, and CT scan reports, Normal functional kidney on right side & Hydronephrosis of left kidney.

Opinion -

on account of present complaints of pain in left lumber region and groin, the patient needs further

evaluation and management.

Therefore the patient is referred to Dr. B.R. Ambedkar Hospital Raipur for needful."

7. A careful perusal would show that the applicant is suffering from Hydronephrosis of left kidney which is one kind of serious kidney disease. Looking to the medical report, I deem it appropriate to release the applicant on bail for a period of one month.
8. It is, therefore, directed that the applicant be released on bail by Monday i.e. 10-10-2016 for a period of one month on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court. He shall surrender by 15-11-2016.
9. Consequently, the bail application stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge