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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7437 of 2016**

Arun Agrawal, S/o Late Devkinandan Agrawal, aged about 40 years, R/o Sivni Mowa, Raipur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through : the Station House Officer,
Police Station Bhansi, District Dantewada (C.G.)

---- Respondent

For Applicant: Mr. S.C. Verma, Advocate.
For Respondent/State: Mr. Dhiraj Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/01/2017**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 13/2015 registered at Police Station Bhansi, District Dantewada for the offence punishable under Sections 13(1)(a) (b), 39(2), 40(1)(a)(b)(c) of the Unlawful Activities (Prevention) Act, 1967; Section 8(1)(3)(5) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005; Section 120B of the IPC; Section 3 of the Explosive Substances Act; and Sections 25 and 27 of the Arms Act.

(2) The applicant's first bail application was dismissed on merits by this Court vide order dated 15.03.2016 passed in M.Cr.C. No.1341/2016.

(3) Learned counsel for the applicant submits that the applicant is suffering from neural fibrolipoma of median nerve at right wrist with hand plan and he is in a stable condition. He further submits that the applicant has consulted at Indraprasth Apollo Hospital, New Delhi where it is stated that it is a cancerous tumour and, therefore, he may be granted bail for further evolution and the surgical intervention, if any.

(4) Per contra, learned counsel for the State submits that applicant is suffering from neural fibrolipoma of median nerve at right wrist with hand plan, which is also supported by Medical Board of the State Government.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) The State Counsel has filed applicant's discharge ticket of Department of Surgery (Plastic Surgery Unit) of Dr. B.R. Ambedkar Memorial Hospital, Raipur, in which, it has been found that the application is referred to the AIIMS Hospital New Delhi for Neurology Follow-Up treatment.

(7) Taking into consideration the nature & gravity of the offence; and the type of disease which, he is suffering and he has been referred to the AIIMS Hospital New Delhi for Neurology Follow Up treatment, I deem it appropriate to enlarge the

applicant on bail for a period of one month from 07.01.2017. Accordingly, it is directed that the applicant shall be released by the trial Judge on bail on his furnishing bail bond of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the learned trial Judge for a period of one month from 7.1.2017. The applicant shall surrender before the learned trial Judge on 13.02.2017. The learned trial Judge shall inform the Registry of this Court about the surrender of the applicant.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-