

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 112 of 2017**

1. Rahul Goyal, S/o. Shri S.K. Goyal, Aged About 25 Years, R/o. Near Railway Station, Post Naila, District- Janjgir -Champa, Chhattisgarh.

----Applicant**Versus**

1. State Of Chhattisgarh, Through: Police Station -Maudhapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Dubey, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/03/2017**

1. Apprehending arrest in connection with Crime No.31/2016 registered at Police Station- Maudhapara, District – Raipur (C.G.), for offence punishable under Section 409, 418, 420, 467, 468, 120-B, read with Section 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. This is second bail application for grant of anticipatory bail apparently & solely on the medical ground. The first bail application was dismissed on 12.01.2017 in M.Cr.C. (A) No.1176/2016.
3. Case of the prosecution in brief is that the applicant in connivance with the co-accused Amit Parasram Choudhary, the insurance agent gave a cheque to cover the vehicle under the policy and the cheque bears the back date of 12.04.2015, whereas some accident took place on 14.04.2015, thereby all the efforts were made to

generate a fake policy to evade the liability of the applicant being the owner of the vehicle which met with accident on 14.04.2015.

4. Learned counsel for the applicant would submit that the petitioner is suffering from severe Epilepsy and according to the latest report of Dr. Nadir E. Bharucha, the applicant has been directed to be admitted at Hyderabad and has been subjected to continuous treatment at different hospital. It is further submitted that as per the information, the father of the applicant is suffering from Cancer, therefore, counsel prays that the applicant may enlarged on anticipatory bail.
5. State was directed to verify the medical documents which was filed along with the bail application. Bunch of documents have been filed, which shows that the applicant has been treated at various places at Bombay, Hyderabad, Raigarh etc.
6. On verification, the State counsel submits that the documents do not show that it has been fabricated and they have been verified from the Lakhiram Agrawal Memorial Medical College, Raigarh, Bombay Hospital and Institute of Medical Science, Mumbai, then from Krishna Institute of Medical Science Multi Super Specialty Hospital Secunderabad.
7. Considering the medical report, it appears that the applicant is suffering from severe Epilepsy and the same has not been denied by the State. Treatment papers which shows that applicant is treated at various places the bail is considered on medical ground and further taking in to the degree of allegation levelled, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge