

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 144 of 2017

- Biju Daasan S/o R.S. Daasan Aged About 40 Years R/o Jarahi Colony, Ward No. 11, Police Station Bhatgaon, District Surajpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Bhatgaon, District Surajpur, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Manish Nigam, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.03.2017

1. Apprehending arrest in connection with Crime No. 206/2015 registered at Police Station Bhatgaon, Distt. Surajpur (C.G) for the offences punishable u/ss 420, 467, 468, 470 & 471 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 25.01.2014 the applicant who was President of Nagar Panchayat has received an amount of Rs.4 lakhs from one Javed Ansari to get him employed in the Nagar Panchayat.
3. Learned counsel for the applicant would submit that this is second bail application; the earlier one was dismissed as withdrawn on 10.08.2016 with liberty to surrender and apply before the trial Court. It is submitted that thereafter the applicant has filed this second bail application on the ground that the wife of applicant is suffering from breast cancer; she is getting treated by

him and showing the treatment, certain documents have been placed and this fact has also been brought to the notice of the Court that the entire amount of Rs.4 lakhs was sent to the complainant by way of Demand Draft drawn by registered post, therefore, under these circumstances, no purpose will be served if the applicant is taken into custody especially when the wife of applicant is suffering from cancer and the applicant is required to attend her. Hence, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the documents as also the medical report filed by the applicant, which shows that the wife of applicant is suffering from breast cancer and further considering the fact that after rejection of the first bail application the demand draft of Rs.4 lakhs was sent to the complainant, I am inclined to allow this bail application.
6. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. It is further observed that the remittance of Rs.4 lakhs will not be taken as admission of guilt and the trial Court shall not be influenced by it.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE