

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2086 of 2017

Mr. Alok Kumar Agrawal S/o Shri Radhe Shyam Agrawal, Aged About 46 Years
R/o Parijat Extension In Front Of Tejswani Girls Hostel Nehru Nagar Bilaspur,
Chhattisgarh And Posted As Assistant Engineer (U/ S) O/ O The Chief Engineer,
Mahanadi Project, Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Superintendent Of Police, State Economic
Offences Wing Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri K.A. Ansari, Senior Advocate with Shri Gagan Tiwari, Advocate
For State	:	Shri Ramakant Mishra, Dy. Advocate General

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2017

Heard.

1. This is the fourth application for grant of bail to the applicant. This application has been moved by the applicant mainly on medical grounds.
2. Learned senior counsel for the applicant submits that the applicant is a handicapped person and suffering from permanent disability of locomotive nature. He submits that earlier, prayer for grant of bail was made on medical grounds and on the submission that the applicant needs proper treatment and that many medical investigation facilities are not available in the State of Chhattisgarh, therefore, the applicant may be granted bail, however, at that time, the bail application was rejected with a direction to provide proper medical facility to the applicant. It is further submitted that the applicant is not getting proper medical treatment, therefore, he had again moved an application for grant of bail and prayed for a direction to provide necessary treatment like physiotherapy etc. But the applicant's health condition is not showing sign of improvement but deteriorating, therefore, again, this application for grant of bail

has been moved.

3. On the other hand, learned counsel for the State opposes the application and submits that he sought instructions and according to the instructions, the applicant is being provided proper treatment. He submits that at present, the examination of applicant's health condition does not show any necessity of his treatment on the ground that the said treatment is not being provided to him.
4. This Court has earlier considered and rejected applicant's application for grant of bail as many as three occasions. The applicant sought bail on medical grounds also, which was also rejected by this Court earlier. The documents which have been placed for perusal of this Court along with the case diary and the documents which have been filed along with the records of the present bail application show that the applicant is getting necessary required treatment inclusive physiotherapy and the doctors have not reported hospitalization of the applicant on any medical complication of critical nature.
5. Learned counsel for the State also submits that the applicant is the main accused in the present criminal case. The co-accused Pawan Kumar Agrawal earlier filed application before Hon'ble the Supreme Court and his application was rejected on more than one occasions. Therefore, when the application of the co-accused has been rejected, bail application of the main accused is also liable to be rejected, particularly when there is no medical urgency in the matter at present.
6. I have considered the submissions made by learned counsel for the respective parties. The documents filed along with the bail application and the documents which were placed before the Court along with the case diary indicating treatment of the applicant in the hospital, show that the applicant is being provided treatment. Moreover, it has to be seen that repeat application for grant of bail filed by co-accused- Pawan Kumar Agrawal has also been rejected by Hon'ble the Supreme Court on 14.2.2017 in Petition for Special Leave to Appeal (Criminal) No. 9424/2016. Therefore, when the application for grant of bail to the co-accused has been rejected by Hon'ble the Supreme Court on 14.2.2017, I am not inclined to grant bail to the present applicant.
7. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge