

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3045 of 2017

- Mohan Lalwani S/o Late Chandiram Lalwani, Aged About 59 Years
R/o Sihawa Road, Shanti Colony, Besides Fire Brigade Office,
Police Station Dhamtari, Tahsil & District Dhamtari, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Shrivastava, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-05-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19-1-2017 in connection with Crime No. 12 of 2017, registered at Police Station City Kotwali, Dhamtari, District Dhamtari (CG) for the offence punishable under Sections 186, 332, 353, 294, 506, 452, 323, 427, 333 read with Section 34 of the IPC.
2. As per the prosecution case, a report was made by one Dinesh Kumar on 15.01.2017 that on 14.01.2017 the present applicants along-with other rice-millers entered into the office of Food Corporation of India when the inspection was conducted by the General Manager and other officials and initially the accused ransacked the office of the FCI, thereafter when the officials went to Quality Control Laboratory, again after some time the applicants came there and started arguing with the officials on some issue and

thereafter assaulted the General Manager as a result which he sustained injury on the eye as also fracture of right lamina papyracea.

3. Learned counsel appearing for the applicant would submit that this is second bail petition, earlier first bail petition was dismissed on 15-3-2017. He would further submit that initially when the case was argued on 15-3-2017, at that time he was not having statement of the witnesses and the statement of O.P. Singh would show that entire allegations have been attributed to one Amit Lalwani and he threw the object which had damaged the eye of the complainant and no allegations have been attributed to the present applicant. It is further submitted that the applicant has been discharged from the charges framed under Sections 323 and 332 of the IPC and instead charges under Sections 452 and 333 of the IPC have been added which have not been attributed to the present applicant. Therefore, the charges which are framed do not exist against the applicant. It is further submitted that the applicant is suffering from diabetics, he was admitted to hospital and he is aged about 60 years. He would further submit that charge-sheet has been filed, the applicant is in jail since 19-1-2017 and no further investigation would be required in this case, therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents

6. State counsel was directed to enquire about the medical report of the accused. On information received, it is submitted by the State counsel that the applicant was ailing from diabetics and he was admitted to District Hospital and was being treated frequently.
7. Taking into consideration the facts and circumstances of the case, considering the statement of O.P. Singh, the applicant has been discharged from charges under Sections 323 and 332 of the IPC and instead charges under Sections 333 and 452 of IPC are added now, the allegation is attributed to others and further primarily considering the medical ground of ailment coupled with the consideration of age of the applicant who is shown to be 60 years and is in jail since 19-1-2017, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju