

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 759 of 2017

1. Peetambar Das Sundrani S/o Late Shri Madheermal Sundarani, Aged About 71 Years R/o House No. C / 88, Sector 4, Devendra Nagar Raipur, Chhattisgarh.
2. Murarilal Sundarani S/o Late Shri Madheermal Sundarani, Aged About 60 Years R/o House No. C / 89, Sector 4, Devendra Nagar Raipur, Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh through State Economic Offence Investigation & Anti Corruption Bureau, Raipur, Chhattisgarh. ----
Respondent

For the applicants : Miss. Sharmila Singhai, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2017

1. This is second bail application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. 44/2015 registered at Police Station State Economic Office Investigation and Anti Corruption Bureau, Raipur (C.G) for the offence punishable under Sections 467, 468, 471, 120-B of IPC and section 13(1)(d) & 13(2) of the Prevention of Corruption Act, 1988.
2. The first bail application was filed by four accused which was dismissed on 18.01.2017. Now the present petition is preferred by two of the accused namely Peetambar Das Sundrani and Murarilal Sundrani.
3. As per the prosecution case, the applicants are partners of M/s. Sundrani Construction Company. They were awarded the work for construction of Bridge over Arpa

river at Koni-Mangla-Bilaspur. The bridge was constructed according to the drawing on 23.01.2017 and was opened to public on 11.01.2008. While the repairing works were carried out in routine manner, it was found that certain piers were completely damaged and the steel liners were also absent over the concrete bed which were to support the pillars and in absence of steel lining, the works had caused damage to the concrete to the extent of 50-60%. Therefore, the task was carried out incurring huge expenditure and it was stated that the applicants in connivance with other officials of the department extended undue benefit to each other.

4. Learned counsel for the applicant would submit that the instant bail application is confined solely on medical ground. It is stated that applicant No.1 who is stated to be aged about 71 years is unable to move due to depression and somatization and periodically loses his memory and not able to walk therefore he is being treated by the doctors. It is further contended that he is undergoing treatment right from the year 2013-2014 and even before that he has lost his memory. Further in respect of Murarilal Sundrani, the other applicant, it is stated that he has also attained the age of 60 years and is suffering from cervical spondylosis and other chronic diseases and he is also being medically treated and as per the doctor's advice, he requires constant supervision and the neurology physical problem shows that he needs the treatment of neuro-physician and at this stage, he

needs complete care. It is further submitted that the charge sheet in this case has been filed on 03.12.2016 and no further custodial interrogation would be required and therefore, the applicants may be enlarged on bail.

5. On earlier occasion, the State Counsel was directed to verify the medical documents so filed by the applicant on it and to make submission. The State counsel submits that the medical reports have been verified and they were found to be correct.
6. Perused the case diary. The case diary contains a report of Anti Corruption Bureau, Raipur dated 15.09.2017. It states that the documents which were filed by the applicant were verified by the doctors of Ramakrishna Care Hospitals and NHMMI (Narayan) Hospital and no doubt has been raised about such documents. Perused the case diary which shows that the enquiry was over by 07.08.2016 and after 15.09.2016, no further enquiry appears to have been made. The first rejection order of the bail of the applicants was passed on 18.01.2017 and almost 9 months have been passed and the diary shows that the custodial interrogation was not done by the State and the charge sheet has been filed which shows the investigation was over. The case diary and the charge sheet do not suggest that the applicants were absconding or evading arrest after passing the rejection order of the first bail application nor it suggests that any further interrogation was required and made.
7. Perused the medical report of applicant no.1 who is stated to be 71 years of age and he is being treated in

OPD Neuro Clinic for small fibre neuropathy and is suffering from chronic disorder which is also supported by the Consultant Neurologist of reputed hospital i.e. NHMMI Hospital, Raipur. The said Doctor has also opined that the patient may require long term treatment and requires medical supervision for persistent imbalance and needs support to walk. Therefore, considering such medical report and other test reports as also the age of applicant no.1, I am inclined to extend the benefit of anticipatory bail to applicant no.1 only on the basis of medical ground.

8. So far as it relates to applicant No.2, the medical report suggests that he is suffering from cervical spondylosis and bronchial asthma and no serious abnormalities have been reported at this stage. Taking into such report and considering the nature of ailment which is stated, I do not find it proper to extend anticipatory bail on medical ground.
9. Consequently the bail application of applicant no.1 is allowed taking into the age and medical condition whereas the bail application of applicant no.2 is rejected.
10. Accordingly, the application of applicant no.1 Peetambar Das Sundrani 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao