

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 508 of 2018**

- Manoj Saluja S/o Mahendra Pal Saluja Aged About 40 Years R/o Nirala Nagar, Police Station City Kotwali, Civil And Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station, City Kotwali, Civil And Revenue District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ajay Ayachi, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/02/2018**

1. This is the Fourth Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of temporary bail to the applicant who has been arrested on 15.08.2017 in connection with Crime No.340/2017 registered at Police Station City Kotwali, Civil and Revenue District Bilaspur (CG) for the offence punishable under Section 22 (C) of the N.D.P.S. Act, 1985.
2. Earlier to it the First Bail Application bearing M.Cr.C. No.5936/2017 was dismissed as withdrawn on 11.10.2017 and the Second Bail Application was dismissed on 02.11.2017 bearing M.Cr.C. No.6864/2017. Thereafter, the same was affirmed by the Supreme Court with a liberty to apply for regular bail afresh. The applicant was enlarged on temporary bail on 15.12.2017 vide order dated 15.12.2017 in M.Cr.C. No.8022/2017.

3. This application for temporary bail has been preferred on the ground that the applicant is bedridden and he requires to be treated in the hospital and was admitted in the Apollo Hospital. Since the applicant failed to surrender in terms of the earlier temporary bail, which was granted for 30 days from the date of release on 15.12.2017, a direction was given to get the applicant examined by the Civil Surgeon along with the doctors of the Apollo Hospital, Bilaspur.
4. The report of the Civil Surgeon, Bilaspur dated 27.01.2018 has been placed for perusal, wherein it has been stated that the applicant has breathing difficulty due to Asthametic Bronchitis and he is dependent on Carticosteriod Therapy and he needs proper treatment. The report shows that the disease is Asthametic Bronchitis, therefore, in such case, in the opinion of this Court the applicant can be given treatment and the necessary medicine may be given to him to have his Carticosteriod Therapy for Asthma.
5. In view of the fact that since the ailment appears to be Asthma, I do not find any reason to release the applicant on bail as it cannot be stated that the applicant needs treatment only at Hospital alone taking into nature of ailment. Accordingly, it is directed that the State shall provide all the necessary treatment and the family members of the applicant shall also be allowed to supply the necessary medicine, as prescribed, from time to time, to the applicant in jail. The Jail Authority shall also take care about the condition of the applicant and if necessary he may be treated in the jail hospital. The State may take the applicant into custody forthwith.
6. With such observation, the bail application stands disposed of.

Sd/-

Goutam Bhaduri

Judge