

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7797 of 2017**

Mohan Agrawal S/o Mr. Prahlad Rai Ji Agrawal, Aged About 52 Years
Caste Baniya, R/o Bastar Road, In The Gulley, Beside Tele Phone
Tower, Tehsil Dhamtari, Thana City Kotwali, District Dhamtari
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate District Dhamtari
Chhattisgarh.

---- Respondent

For the Applicant : Shri Achyut Tiwari, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.01.2018**

1. Heard on application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant.

2. This is the second bail application moved by the applicant for release on bail on medical grounds. The first bail application has been dismissed on merits. The applicant has been arrested in connection with Crime No.21 of 2017, registered at Police Station – City Kotwali, District Dhamtari, Chhattisgarh for the offence punishable under Section 304-B/ 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant is in jail since 24.1.2017 and has been falsely implicated in this case. The applicant

is suffering from High blood-pressure, diabetes mellitus, anaemia, heart disease and lumbar spondylosis for which he is continuously undergoing treatment in jail but his condition has not improved in any manner. The medical prescriptions have been attached and the medical prescription of the jail authorities has also been attached to demonstrate the medical condition of the applicant. Hence, it is prayed that if the Court is not inclined for grant of regular bail, he may atleast be released on temporary bail to get proper treatment in the meanwhile.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the application for bail of the applicant has been dismissed on merits and the ailments which are described in the application can be treated while the applicant/ accused is in jail for which grant of bail is not required. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the documents produced on record, the medical chart of the jail hospital attached with the application, it is clear that the applicant is regularly undergoing treatment and on some occasions he has been admitted in the District Hospital. The report received from the Jail authorities of District Jail, Dhamtari also confirms that the applicant is suffering from ailment of High blood pressure and diabetes for which he is undergoing treatment. Although it is not especially mentioned in any document that the applicant requires any treatment in higher medical centre but looking to the living conditions in jail and just for the humanitarian

ground I feel appropriate that the applicant should be released on temporary bail for the purpose of proper medical examination and treatment of his ailments as described in the application. On these grounds, this application is allowed with the modification for grant of temporary bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is disposed off.

8. 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, for a period of two months and he shall be required to surrender before the concerned Court on or before the expiry of two months from the date of his release on temporary bail. He shall submit all the documents/ prescriptions of the treatment undergone by him before the concerned Court when he surrenders.

9. Accordingly, this M.Cr.C. is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge