

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 133 of 2019**

Sunil Thakur, S/o. Shri Vibhuti Singh, Aged About 50 Years, R/o. Life Worth Hospital Gali, Ramkund, Raipur District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station Sarsawati Nagar, Raipur, District -Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajat Agrawal, Advocate
For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/03/2019**

1. Apprehending arrest in connection with Crime No.219/2018, registered at Police Station – Sarawati Nagar, Raipur, District – Raipur (C.G.) for offence punishable under Section 294, 307/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. This applicant has not committed any offence and totally improbable story has been brought forth. The applicant is the patient of chronic liver disease and he is incapable of doing any act of offence. The applicant has undergone treatment and surgery,

because of which he is continuously having health problems and needs medical advise and treatment. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that named FIR has been lodged against this applicant and he has been named as main assailant. Regarding the medical conditions of the applicant, it is submitted that on making an enquiry it has been found that the applicant was under going treatment up till 12.12.2014 and after his discharge, he has committed the offence. It is also submitted that numerous cases are registered against the applicant, therefore, he appears to be a habitual offender, therefore, the application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In an earlier incident it is alleged that this applicant had threatened to kill the complainant Kamlesh Yadav. As per the FIR lodged on the date of incident, this applicant came with other person in motor cycle and then by abusing and threatening the complainant assaulted with hockey sticks causing injuries on his head.
6. Considered the submissions made and the contents of the case diary. The medical condition of the applicant is not such that he still remaining bedridden. Apart from that, looking to the number of prosecution this applicant has faced on previous occasion and directly the named FIR has been lodged against the applicant, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.
8. However, only on the ground of medical condition of the applicant, it is directed that in the event this applicant surrenders before the concerned Court and applies for grant of regular bail, his application for grant of regular bail be considered and decided by the Court concerned preferably on the same day.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram