

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1620 of 2018

- Pritam Singh Rathore S/o Shri Santram Rathore, now aged about 72 years, Occupation Retired Revenue Officer/In charge Chief Municipal Officer, R/o Purani Basti, Kharsiya, Tahsil Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Chakarbhata, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri A.N. Bhakta, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-01-2019

1. Apprehending arrest in connection with Crime No.81/2010, registered at Police Station – Chakarbhata, District Bilaspur, Chhattisgarh for offence punishable under Section 420, 409/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted on behalf of the applicant that the earlier application for grant of anticipatory bail M.Cr.C.(A) No. 368/2010 was dismissed on merits on 28-06-2010. Subsequent to which, it is submitted that the medical condition was also referred to in the argument made for the previous application, but the same was not considered. The applicant is suffering from paralysis and he is physically incapacitated for making any movement. Hence, looking to his inconvenience because of physical reasons, he may be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application. However, it is submitted that the concerned police station has verified the health condition of the applicant and found that he is suffering from paralysis and is physically incapacitated.

4. Heard learned counsel for the parties and perused the documents.

5. The previous application of this applicant has been rejected on merits. However, in that order the physical condition of the applicant was not taken into consideration. Hence, for the reason that almost nine years have been passed and the trial against the applicant has made no progress because of his non-appearance, hence, in case anticipatory bail is granted to him, the trial against him will commence, therefore, for this reason and also for the reason that the applicant is physical incapacitated, I feel inclined to allow this application.

6. Accordingly, the anticipatory bail application is allowed. 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge