

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1932 of 2021**

Ujlan Ansari, S/o. Neyaj Mohammad, aged about 21 years, R/o. Village – Narayanpur, P.S. & Tahsil Ramanujnagar, District – Surajpur (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station – Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/05/2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.183/2020, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012. The first bail application M.Cr.C. No. 8534 of 2020 of the applicant was dismissed on merits vide order dated 19.01.2021. The second bail application for grant of regular bail has been filed on medical grounds.

2. It is submitted by the learned counsel for the applicant that while detention of the applicant in jail, the applicant had to be admitted in hospital on several occasions for his treatment. Copy of the documents have been obtained under Right to Information Act, which have been produced in support of the application. The applicant was firstly admitted in the hospital on 01.11.2020 and discharged on 10.11.2020. He was second time admitted in the hospital on 19.12.2020 and discharged on 02.01.2021 and on 23.01.2021 again he was admitted on the hospital and discharged on 01.02.2021. Next the applicant was admitted on 28.02.2021 and discharged on 05.03.2021, therefore, the applicant is not keeping well inside the jail because of his medical condition. Hence, it is prayed that he may be released on regular bail.
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 no report has been received from the jail authorities. It is submitted that looking to the evidence present in the case diary, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considered on the submissions. Taking into consideration the copy of the medical documents filed, which have been obtained from jail authorities under Right to Information Act, it is found that the applicant is suffering from Sickle Cell Anaemia and he had to be admitted in hospital on various occasions because of Sickle Cell crises, which has occurred again and again in short intervals. Although the applicant is being provided with the treatment of the same, but looking to the other

situation present that because of the pandemic, the progress in trial is almost held-up and the conclusion of trial is indefinitely delayed, hence, looking to the new development in the case and the medical condition of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge