

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3192 of 2021

Rajesh Agrawal, S/o Shri Anand Kumar Agrawal, Aged about 42 years, R/o Devendra Nagar, Sector 4, Raipur, District Raipur (C.G.)

(In Jail)
---- Applicant

Versus

The State of Chhattisgarh, through Station House Officer of Police Station Maudhapara, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Shivang Dubey, Advocate.
For Non-applicant: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/05/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.226/2019, registered at Police Station Maudhapara, Raipur, for the offence punishable under Section 21(b), 29 and 32 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. This is the third bail application filed on behalf of the applicant for grant of interim/temporary bail. Previous two bail applications were dismissed on merits.
4. At the outset, learned counsel for the applicant submits that default No.1 pointed out by the Office has been rectified and necessary

documents have been filed. As such, the statement is placed on record. Default No.2 is overruled.

5. Learned counsel for the applicant would further submit that he is not pressing the bail application on merits, only he is claiming bail for limited period for one month as mother of the applicant Smt. Premlata Agrawal was found Corona positive on 11-4-2021, though she is now recovered from Corona, but she has developed some infection on her eyes. He would also submit that father of the applicant Anand Kumar Agrawal was also found Corona positive on 11-5-2021 and he is presently under home quarantine, as there is no senior family member to take him to hospital as wife of the applicant and two minor children are staying at Raipur. Therefore, bail for limited period for one month be granted to the applicant to get his father and mother treated at appropriate hospital.
6. On the other hand, learned State counsel would oppose the application and would submit that the earlier bail applications of the applicant have already been rejected by this Court.
7. I have heard learned counsel for the parties and considered their rival submissions made herein-above.
8. This third bail application is being considered only on humanitarian ground that the applicant's father has now been tested Corona positive and his mother who was also earlier found Corona positive has now though recovered, but still she developed some infection in her eyes and particularly, in view of the fact that regular bail application of the applicant has also been dismissed by the Supreme Court, the present application is not being considered on merits, only

on humanitarian ground it is being considered for grant of bail for limited period.

9. Since the applicant's mother Smt. Premlata Agrawal who has been found Corona positive though has recovered, but she is suffering from infection on her eyes and considering that she is a diabetic patient, therefore, at present considering her infection in the eyes and further considering that her age is 63 years, and further, father of the applicant who has been found Corona positive is aged about 67 years and he is presently under home quarantine and also considering the fact that there is no other adult male member to hospitalize them for further better treatment, in the interest of justice, purely on humanitarian ground, it would be appropriate to release the applicant on bail for a limited period so that he may get his father and mother treated properly.
10. It is, therefore, directed that the applicant be released on bail on 21-5-2021 for a period of 21 days on his furnishing a personal bond in the sum of ₹ 50,000/- (Rupees fifty thousand only) with one surety in the like sum to the satisfaction of the concerned Court. He shall surrender back before the said Court positively on 14-6-2021.
11. The application stands finally disposed of.
12. Consequently, application for urgent hearing and application for hearing during summer vacation, also stand disposed of.
13. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge