

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6894 of 2021**

Akhilesh Kumar Kushwaha, S/o. Late Shivdas Kushwaha, aged about 36 years, R/o. Village Sanwaranwa, Police Station Patna, District Korea Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Patna, District Korea Chhattisgarh.

---- Respondent

For Applicant : Mr. Sangeet Kumar Kushwaha, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/10/2021**

1. This is the first 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.253/2021, registered at Police Station – Patna, District Korea (C.G.) for the offence punishable under Section 20 (C) of N.D.P.S. Act.
2. It is submitted by the learned counsel for the applicant that the applicant is a patient suffering from mental unsoundness, therefore, without considering on the merits of the case, he may be granted temporary bail for the purpose of treatment only.

3. On the other hand, learned counsel for the State opposes the bail application.
4. Report has been received from the District Jail, Baikunthpur, in which it is reported that the applicant was examined by the doctor, and doctor has advised for mental counseling for the applicant as he is not fit mentally. The wife of this applicant has also filed an affidavit in support of this prayer, in which she has stated that the applicant is undergoing treatment since the year 2015 for his mental illness. Hence, on the basis of this material present, this Court is inclined to allow the prayer for grant of interim bail.
5. Accordingly, the prayer made by the applicant for grant of interim bail is allowed. It is directed that applicant shall be released on temporary bail for a period of three months 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.
6. The learned trial Court shall fix a date for surrender of the applicant after completion of three months.
7. Accordingly, the application for grant of regular bail is disposed off

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge