

(2003) 01 CHH CK 0009
In the Chhattisgarh High Court
Case No : Criminal A. No. 2441 of 2000

Laxminarayan Giri and Others

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

Date of Decision : 21-01-2003

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 374(2)
Penal Code, 1860 (IPC) — Section 302, 34, 498A

Citation : (2003) 2 DMC 81

Hon'ble Judges : K.H.N. Kuranga, C.J.; L.C. Bhadoo, J

Bench : Full Bench

Advocate : Arun Kocher and A.K. Prasad, for the Appellant; P.S. Koshy, Government Advocate, for the Respondent

Judgement

K.H.N. Kuranga, C.J.—Heard both the Counsels on M. (Cr.) P. No. 2441 of 2002.

This Court vide order dated 22.10.2002 directed the State to get the appellant No. 1 examined in Apollo Hospital and if he is found to be suffering from Ishaemic Heart Disease to get him necessary treatment and thereafter submit a report to this Court. On 8.1.2003 learned Counsel for the State submitted that the appellant No. 1 was got examined at Apollo Hospital and the report was received. On that date he was directed to make a statement as to what treatment has been given to the appellant No. 1. Thereafter on 15.1.2003 learned Counsel appearing for the State submitted that he has received a communication from Pt. Jawahar Lal Nehru Memorial Medical College, Raipur stating that the facility for the cardiac evaluation and coronary angiography cardiac angioplasty was available and he would make a statement on 20th January, 2003 whether State would get the appellant No. 1 treated or not. Mr. Koshy submitted that the Jail Authorities have instructed him that they have made a request to the Govt. for sanctioning some amount for the treatment and it will take some time for getting the sanction from the Government. Learned Counsel for the appellant submits that the matter is urgent and the appellant No.

1 cannot wait any more.

2. Having regard to the urgency of the matter and the fact that the appellant No. 1 Laxminarayan Giri is a heart patient we are of the opinion that it is appropriate to release the appellant on temporary bail for taking treatment of his heart ailment. Accordingly the application M. (Cr.) P. No. 2441 of 2002 is allowed. The appellant No. 1 Laxminarayan Giri is directed to be released on temporary bail for a period of six months from the date of his release on his executing a bond in a sum of Rs. 5,000/- with two sureties of the like sum to the satisfaction of the Trial Court. During the course of six months he has to get treatment for his ailment. Immediately after completion of six months he shall surrender before the Trial Court for undergoing remaining part of the sentence.

3. In view of the above order I.A. No. 16/2001 is also disposed of.

4. Parties are entitled for certified.