

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6439 of 2015 ()

CRIME NO. 935/2015 OF KOLLAM WEST POLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED:

**RAGESH,S/O. SURENDRAN PILLAI,
VILAYIL VEEDU, T.C. 16/532,
POURNAMIYIL, CHITTAYIKKADU, KALLAMBALAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION, KOLLAM.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A No.6439 of 2015
&
Crl.M.Appln. No.10481 of 2015

Dated this the 3rd day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.935/2015 of Kollam West Police Station registered for offences punishable under Sections 447 and 436 I.P.C.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that the petitioner criminally trespassed into the Bar Association hall, Kollam and set fire to 4 computers, 4 tables and 4 chairs and thereby caused loss of Rs.2,00,000/- to the Bar Association.

5. In the course of hearing, learned Public Prosecutor submitted that she received an instruction to the effect that the

petitioner is an insane person. It is also submitted that he was admitted in a Mental Hospital, Thiruvananthapuram and even now undergoes treatment for Paranoia. A certificate issued by the Superintendent, Mental Health Centre, Thiruvananthapuram showing that the petitioner is fit to stand trial at present, but he needs further treatment for mental illness (psychosis NOS) and other ailments is also produced.

6. Nature of the allegations against the petitioner is that he has trespassed into the Bar Association Hall and set fire to valuable furniture and other articles. I am of the view that his mental condition has to be ascertained before he could be released on bail so as to prevent any further untoward incident affecting the safety either of others or that of himself. Therefore, the learned Magistrate having jurisdiction shall hold an enquiry under Section 328 Cr.P.C. Further, the learned Magistrate shall also consider the relevant provisions in Section 330 Cr.P.C as

well in the course of enquiry.

7. Learned counsel for the petitioner submitted that the petitioner may not get assistance from lawyers of Kollam Bar since he had committed an offence in respect of the property in that Bar Association. Therefore, an application under Section 482 Cr.P.C as Crl.M.Appln.No.10481 of 2015 has been filed requesting that the matter to be transferred to J.F.C.M-I, Attingal. Considering the entire facts and circumstances of the case, following directions are issued :

Trial of Crime No.935/2015 of Kollam West Police station falling within the jurisdiction of J.F.C.M Court, Kollam will stand transferred to J.F.C.M - I, Attingal. The first information report and other materials available in the court having jurisdiction shall be transferred to J.F.C.M - I, Attingal forthwith.

Learned J.F.C.M- I, Attingal on production of this order shall issue a warrant to the Superintendent, Mental Health Centre

directing to produce the accused and conduct an enquiry as to the unsoundness of his mind and if he is fit to stand a trial, consider his bail application on merits. The whole exercise shall be finished within a period of two weeks from the date of production of this order.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

amk

PA to Judge