

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1088 of 2017**

Goutam Prasad Yadav S/o Shri Shanker Lal Yadav, Aged About 43
Years R/o Village Memra, Police Station Pithoura, Tahsil Pithoura,
District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pithoura, District Mahasamund Chhattisgarh

---- Respondent

For applicant	Mr. Gurudev I. Saran, Adv.
For Respondent/State	Mr. Anant Bajpai, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/04/2017**

1. Heard on I.A. No. 1/2017 for taking document on record filed on behalf of the applicant.
2. On due consideration, I.A. no. 1/2017 is hereby allowed. The document annexed with the application is taken on record for consideration as required.
3. Learned counsel for the State has submitted photocopy of certificate issued by the State Medical Board dated 3-12-2016. Said certificate of present applicant is also taken as part of the matter.
4. Heard finally.
5. The applicant has preferred this application for grant of bail as he is arrested on 25-1-2016 in connection with Crime No. 13/2016 registered in PS Pithoura, Distt. Mahasamund (CG) for offence punishable under Section 307, 294, 506-B, 302 of IPC. Charge sheet has been filed and the matter is pending for trial before the 2nd Additional Sessions Judge, Mahasamund as ST No. 14/2016.
6. At the outset learned counsel for the applicant submits that for the purpose of instant MCRC the applicant is not denying regarding

murder and other acts but at the time of incident, the applicant was suffering from paranoid schizophrenic (chronic). With this he was not in a fit mental condition to understand the effect of the act. The matter is covered under Section 84 of the IPC. Hence he may be enlarged on bail.

7. Per contra, learned counsel for the State opposed the bail application and submits that for the charge sheet which is filed by the police in connection with Crime No. 13/2016 registered as ST No. 14/2016 the matter is pending before the 2nd Additional Sessions Judge under Section 294, 506-B, 302 and 307 of the IPC and there are eye-witnesses who demonstrate the act of the applicant in the incident and also as per examination of the applicant by the State Medical Board, the board has not noticed any active psychiatric illness. With this the bail application may be dismissed.
8. Perused the matter.
9. On due consideration, there is material evidence collected against the present applicant. For the offence, charge sheet has been filed and the matter is pending before the sessions court and as per report of the State Medical Board, the applicant was not suffering from any active psychiatric illness at the time of examination. On due consideration I am not inclined to grant bail on the ground that the applicant is suffering from any serious psychiatric illness after consideration of the certificate issued by the State Medical Board.
10. Consequently, instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge