

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 1067 of 2017

Tiruvardhan Singh, S/o. Bharosh Ram Singh, Aged About 27 Years, R/o. Village Namna Khurd, Police Station- Udaipur, District -Surguja Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Udaipur, District Surguja Chhattisgarh.

-----Respondents

For Petitioner	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/09/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with prayer to direct the trial Court to release the petitioner on bail under the provisions of Section 330 of Criminal Procedure Code.
2. It is submitted that petitioner is of unsound mind, he is facing trial before the Court of Fourth Additional Sessions Judge, Ambikapur, District – Sarguja in Sessions Trial No.88/2016 for offence under Section 302 of Indian Penal Code. During the trial, petitioner was medically examined by the order passed by this Court dated 22.02.2017 in Criminal Revision No.89/2017, by a medical board constituted by this Court. On the basis that petitioner was found currently of unsound mind and that is unable to face prosecution/trial. A

prayer was made for his release on bail, which has been rejected by order dated 19.05.2017. It is submitted that the application moved for bail is erroneously quoted the provisions under Section 439 of Cr.P.C., whereas the prayer was made under Section 330 of Cr.P.C. for release of the petitioner on bail on the ground of his unsoundness of mind, hence prayed that petition be allowed and the petitioner may be enlarged on bail.

3. Counsel for the State submits that subsequent to the medical examination of the petitioner, it has been found that petitioner is suffering from Paranoid Schizophrenia disease and requires long term treatment. It is also the opinion of the doctor of medical board that petitioner is unable to face the Court trial, hence State has nothing to oppose.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Undoubtedly, petitioner is suffering from unsoundness of mind and he is unable to face trial presently. Trial Court in the order dated 19.05.2017 has though observed about the mental illness of the petitioner but refused to grant bail. Sub-section (1) of Section 330 of Cr.P.C. mandates that Court shall grant bail to such accused persons, who is suffering from such unsoundness of mind. Otherwise, the Magistrate or the Court has to make an arrangement for detention of the accused persons in some centers, where the medical facility is available for such accused persons.
6. Counsel for the petitioner submits that relatives of the petitioner are ready to give undertaking before the Court and take responsibility of the petitioner for taking his care, so that he does not harm himself or

any other person and that he will be treated as per the requirements, hence the direction may be issued in this respect.

7. Considering the provisions under Section 330 of Cr.P.C., this petition deserves to be allowed and it is hereby allowed. The trial Court is directed to release the petitioner on bail under the provisions of Section 330 of Cr.P.C. on condition that any close relative or friend of the petitioner comes forward by giving undertaking for taking responsibility of the petitioner for taking his care, get him treated and also taking all precautions so that petitioner does not harm himself or harm any other persons on his furnishing bail bonds of such amount as the trial Court may find appropriate.
8. The Trial Court shall also take care to pass orders regarding further proceedings in the trial according to Chapter - XXV of the Code of the Criminal Procedure.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge