

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6010 of 2019**

- Vishal Thakur S/o Sakha Ram, age 29 years, village - Bamhani, Police Station Chhura, District Gariyaband (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Chhura, District Gariyaband (C.G.)

---- Respondent

For Applicant	:	Shri Raza Ali, Advocate
For Respondent	:	Shri Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/11/2019**

1. The applicant has preferred this first bail application under Section 439 r/w section 330 of Cr.P.C. of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.09/2018, registered at Police Station - Chhura, District Gariyaband (C.G.) for the offence punishable under Section 302 IPC.
2. The prosecution story, in brief, is that the applicant allegedly killed his wife Laxmi Bai with wooden log (balli) as deceased Laxmi Bai called the applicant as "impotent". Based on this, offence has been registered. Present applicant has been taken into custody on 25.01.2018.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is unsound mind and incapable to enter defense. He also submits that the learned trial Court suspended the trial until the applicant attains mental normalcy and his father is ready to take the applicant in his custody so that his psychiatric treatment may be done. He also submits that the father of the applicant is ready to give an undertaking to the effect that the applicant shall not

cause injury to himself or any other person. Therefore, in view of Section 330 of Cr.P.C., the applicant deserved to be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant appears to be of unsound mind and his trial has been suspended by the trial Court, he is in custody since 25.01.2018, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the application is allowed. It is directed that on applicant's father furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court, the applicant shall be released on bail, subject to following conditions:
 - i. That, the father of the applicant shall furnish a specific undertaking that he will regularly take the applicant to psychiatrist for medical treatment.
 - ii. That, the father of the applicant shall also furnish an undertaking that the applicant shall not cause injury to himself or any other person, otherwise bail granted to the applicant shall be liable to be cancelled.
 - iii. That, the father of the applicant shall make the applicant available before concerned Medical Board once in four months for his medical check up.
 - iv. That, the applicant's father shall produce the applicant before the concerned trial Court as and when directed by it and shall not leave the headquarters without prior permission of the trial Court.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
 Judge