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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.695 OF 2019

Atul Savala Raskar ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Siddhartha R.Ronghe for the applicant.

Mr.S.H.Yadav, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 1, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest on January 7, 2019 in crime No.19/2019 for offence punishable under sections 307 and 452 of the Indian Penal Code registered with Chandangar police station, Pune, the applicant is seeking regular bail.

3. The provisions of section 330 of the Criminal Procedure ('Cr.P.C.' for short) are pressed into service claiming that the applicant is a person of unsound mind and it will be

against the criminal jurisprudence to continue the applicant in detention. According to him, the medical papers in categorical terms speaks of mental health of the applicant. That being so, the applicant is entitled to be released on bail.

4. Learned APP invited the attention of this Court to the provisions of Chapter XXV of the Cr.P.C. and submits that this Court under section 439 of the Cr. P.C. cannot go into the said issue for want of expertise.

5. Having appreciated the submissions, what is noticed is the submissions of learned APP holds substance as the same are based on legal provisions. Considering the grounds cited by learned counsel for the applicant, it will be appropriate, in my opinion, to dispose of the application with liberty to the applicant to take recourse to the provisions under Chapter XXV of Cr. P.C. particularly section 330.

6. The application is disposed of in above terms.

(NITIN W. SAMBRE, J.)