

Santosh Moreshwar Mehar ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Rishi Bhuta i/b Ms. Rajeshri Vikhe Patil for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

PSI Mr. Vitthal Karambalkar from Colaba Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 This is the second bail application. The applicant's first
bail application being Criminal Bail Application No. 458 of 2018 was
rejected on merits vide order dated 25th April 2018. The present
application has been preferred by the applicant on medical ground.

3 Learned counsel for the applicant submits that the
applicant is suffering from schizophrenia and is stated to be of
unsound mind. Learned counsel relies on the certificate dated 30th

October 2018 of Dr. Archana Singh, Visiting Psychiatrist, Civil Hospital, Alibaug.

4 Learned A.P.P, on instructions, states that having regard to the Certificate of the Doctor, the applicant be directed to be shifted to the Mental Hospital for treatment, considering the fact that the applicant is stated to be aggressive and dangerous to others and self.

5 Perused the papers, in particular, Certificate dated 30th October 2018 which is at page 196-A of the application as well as the copy of the Certificate dated 4th June 2019 given by the same doctor i.e. Dr. Archana Singh, which is tendered by the learned A.P.P today. In the said Certificate, Dr. Singh has stated that on examination, she found that the applicant is suffering from Schizophrenia; that he was aggressive; that he was dangerous to others and to self; that he was unhygienic, resulting in the possibility of spreading contagious diseases to other inmates; that he was resistant to oral medication and that there was an urgent need for shifting the applicant to the closest mental hospital, considering his psychiatric mental condition.

6 Considering the aforesaid, it would not be appropriate at this stage to enlarge the applicant on bail. However, having regard to the Certificates of Dr. Singh, Superintendent of Taloja Central Jail should forthwith transfer the applicant to Thane Mental Hospital, for his treatment. The applicant should be kept in Thane Mental Hospital, till his recovery. The applicant's wife be permitted to meet the applicant for his speedy recovery, preferably every day during the visiting hours.

7 The application is accordingly disposed of in the aforesaid terms. However, liberty is granted to the applicant to file a fresh application, if the condition of the applicant improves and he is fit for being taken home.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.