

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4797 of 2021

Thangavel

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Anthiyur Police Station,

Erode District.

(Crime No.641 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.641 of 2020 on the file of the respondent police.

For Petitioner : Mr. C.S.Saravanan

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 20.01.2021 for the offence punishable under Sections 294(b), 302, 506(ii) of IPC in Crime No.641 of 2020, seeks bail.

2. The case of the prosecution is that on 20.10.2020, the petitioner, who is a mentally ill-person, has strangulated a old man by using dhoti and caused his death. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the at the time of occurrence, the petitioner was mentally ill. After arrest, he was admitted in the Mental Health Insitute, Kilpauk, Chennai and thereafter, he was sent to jail. Hence, he prays to grant bail to the petitioner.

4. Earlier, when the matter was taken up, the learned Additional Public Prosecutor was directed to file a report regarding the mental health of the petitioner.

5. Today, the learned Additional Public Prosecutor filed the case diary.

6. From the perusal of the records, it could be seen that earlier the petitioner was diagnosed as a Bipolar Affective disorder. Hence, he was referred to a detail examination for his mental health to the Institute of Mental Health, Kilpauk, Chennai, where he was admitted, in the month of December 2020. After treatment, he was discharged from the hospital stating that he was fit to stand trial and the petitioner has improved his mental status. Thereafter, he was arrested and remanded to judicial custody on 20.01.2021.

7. The learned Additional Public Prosecutor would submit that now, as per the certificate issued by the Institute of Mental Health, Kilpauk, Chennai, the mental health of the petitioner has improved. Hence, now he was remanded to judicial custody .

8. Considering the facts and circumstances of the case, and also considering the fact that the petitioner said to have suffered mental illness as per the medical report and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Bhavani and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on release from the prison, shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
BHAVANI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
ANTHIYUR POLICE STATION,
ERODE DISTRICT.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.4797/2021

Date :15/03/2021