



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 14/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
Crl.OP (MD)No.17344 of 2021

WEB COPY

Nagaraj

: Petitioner/Sole Accused

Vs.

State rep. By,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
(Crime No.86 of 2019)

: Respondent/Complainant

For Petitioner : Mr.R.Pon Karthikeyan, Advocate
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.86 of 2019 on the file of the Respondent Police.

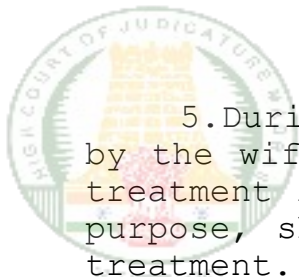
ORDER : The Court made the following order :-

The petitioner, who is sole accused, was arrested and remanded to judicial custody on 01/06/2019 for the alleged offence punishable under Section 302 IPC, in Crime No.86 of 2019 on the file of the respondent police and hence, seeks bail.

2.The petitioner is facing the charge under section 302 IPC.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.It is a case of patricide. The petitioner alleged to have smashed the head of the deceased claiming some property right. It appears that it is a case of sudden provocation. Now the case has been tried by the 1st Additional District Judge, Virudhunagar District @ Srivilliputtur. When the accused was produced before the trial court finding that the behavior of the accused was abnormal. Steps have been taken by the trial court to refer the accused to the medical treatment preferably in the Psychotic Department. As per the provisions of Mental Health Act, he was shifted to Psychotic Department and now he is undergoing treatment in Institute of Mental Health, Kilpauk, Chennai-10.



5. During the treatment process, this petition came to be filed by the wife of the accused seeking bail on the ground that medical treatment is required to be extended to the petitioner and for that purpose, she is also ready to take his husband to the hospital for treatment.

WEB COPY

6. A report has been called for from the concerned Department. A statutory report has been filed by the Medical Officer attached to the Institute of Mental Care, Kilpauk, Chennai finding that the accused is suffering from fluctuation in mood and at times he was cooperative, answering to the questions relevantly and coherently, but with few hours becomes irritable and talk becomes excess and irrelevant.

7. On the previous occasion it has been brought to the notice of this court that the accused was also became violent with others noting that his behavior may affect and endanger live of the others, she was shifted to the hospital for continuos treatment. When this was brought to the notice of the learned counsel appearing for the petitioner stating that when such being the condition of the petitioner, if he is shifted to the house on bail, then the life of others become in danger. The wife of the petitioner was directed to file an undertaking affidavit that she will take care and give treatment to the accused by admitting in the proper Mental Health Institute. So on that ground she has also filed a undertaking affidavit.

8. As per section 103 of the Mental Health Care Act, it is the duty of the Magistrate to be whom prisoner is produced to admit him in suitable establishment for the purpose of treatment. Here, as mentioned earlier, suitable direction has been given to shift the petitioner to the Kings Institute, Chennai. Now he is undergoing treatment. Even though the treatment is continuing since the wife of the petitioner wants to shift him to a better establishment for better treatment, I am of the considered view that the request can be considered.

9. In the light of the above, this petition is ordered on the following conditions:-

(i) The custody of the petitioner is handed over to his wife on condition that she must take care of the petitioner by giving proper care and treatment in an appropriate recognized hospital, which is specialised in giving treatment to the mental illness;

(ii) On no account, the wife of the petitioner shall remove the petitioner, out of the hospital without permission of the court and permission can be granted only after ascertaining the mental condition of the petitioner and to remove him from the hospital; and



(iii)An affidavit must be filed by the wife of the petitioner stating that she has admitted the petitioner in the prescribed hospital for continuing the treatment, after releasing the petitioner from the prison. The affidavit must be filed within 10 days after the admission is made in the hospital.

10.With the above said observation, this petition stands ordered.

sd/-
14/12/2021

/ TRUE COPY /

04/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE 1ST ADDITIONAL DISTRICT JUDGE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTTUR.

2 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-9293[I] dated 15/12/2021)

ORDER
IN
CRL OP(MD) No.17344 of 2021
Date :14/12/2021