

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 689 OF 2022**

Nabeel Shabbir Belimo

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Hasnain Kazi a/w Ms Shraddha Vavhal a/w Mr. Zeeshan Khan a/w Mr. Hafizuddin Kazi a/w Mr. Saifan Shaikh for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 1 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 298 of 2020 registered at Lashkar Police Station, Pune for the offences punishable under Sections 302 of the Indian Penal Code and Sections 37(1) r/w 135 of the Maharashtra Police Act.

3. The bail is sought in terms of Section 330 of the Code of Criminal Procedure on the ground that applicant is suffering from unsoundness of mind.

4. On 15 November 2022, this Court passed the following order:

“1. Learned counsel for the Applicant has drawn my attention to Psychiatric Assessment Report dated 22nd October, 2020. Relying on the said report, learned counsel for the Applicant submits that in view of provisions of Section 330 of Cr.P.C., Applicant being a person of unsound mind, order of release is required to be passed.

2. Apparently, the report dated 22nd October, 2020, refers to, mental and behavioural disorder and not, state of unsound mind of the Applicant. Therefore, prima facie Section 330 of Cr.P.C. may not come in aid to the applicant. In any case, in consideration of the facts of the case, concerned Superintendent of Jail shall produce, the applicant before the Sessions Court for seeking order to refer the Applicant, for his psychiatric assessment. Thereafter, the Superintendent of Jail shall forward of psychiatric assessment report to this Court.

3. For time being, stand over to 16th December, 2022 under caption ‘for order’, for verifying compliance.”

5. Pursuant to the aforesaid order Assistant Professor in Department of Psychiatry B.J. Government Medical College and Sasoon Central Hospital, Pune submitted report dated 15 December 2022. Impression in the said report reads thus:

“1. Mr. Nabeel Shabbir Belim is suffering from Mental and Behavioural disorder due to the use of cannabinoids in dependence syndrome currently abstinent.

2. At present he is of unsound mind and requires regular treatment from treating psychiatrist.”

6. The learned APP thereafter has tender on record one more report dated 21 January 2023. Impression in the said report reads thus:

*“1. Mr. Nabeel Shabbir Belim is suffering from Mental and Behavioural disorder due to the use of cannabinoids in dependence syndrome currently abstinent.
2. He requires indoor psychiatric management for long term.”*

7. In view of the above report that applicant needs indoor psychiatric management for long term, the applicant at this stage cannot be released on bail in terms of Section 330 of the Code of Criminal Procedure. The trial Court, however, shall take appropriate steps in accordance with law to send the applicant to the concerned hospital for indoor psychiatric treatment.

8. Application is rejected.

(N.R. BORKAR, J.)

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