

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1925 OF 2022

Nandkumar Chandrakant Mane	...Applicant
vs.	
The State of Maharashtra	...Respondent

Ms. Priya N. Patil - Advocate for the Applicant
Mr. N. B. Patil - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 19th JANUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.
2. Pending inquiry and trial of the sessions case, the sole accused is asking for bail in connection with the offence bearing C.R. No. 325 of 2020 registered with Satara City Police Station under Section 302, 504, 506 of the Indian Penal Code.
3. The deceased-Vandana is sister of the present Applicant. There was ancestral land at village Patan, District Satara and the present Applicant, deceased-Vandana and one more sister were having share in the compensation. The Applicant is resident of

Dharavi, Mumbai and he went to the native place for the purpose of receiving the compensation. The deceased-Vandana alongwith her husband Vijay and his son Rhushikesh were residing at Sangam Mahuli, Taluka, District Satara. Whereas after going to native place, the Applicant alongwith his family stayed at his cousin brother-Rajendra Shinde. On 23/04/2020, the Applicant came to the house of the first informant alone. He used to utter and blame deceased for causing damage (बाढोळे) to him. He also used to utter filthy words. The incident took place in the intervening night of 26th April 2020 and 27th April 2020.

4. The first informant, the deceased and his son were sleeping on the ground on one side of the house, whereas the Applicant was sleeping on the bed. In the intervening night, the first informant heard the loud shouts of his wife. He woke up and he saw the Applicant standing near the pillow of his son. He was having knife with blood stains and there was blood is oozing from the chest of the deceased. The first informant realized that his wife is no more. Then he lodged complaint against the present Applicant.

5. Learned Advocate for the Applicant vehemently argued and submitted that still after two years the prosecution has not

produced the photographs taken at the spot and the forensic report. Alternatively, she also submitted that the Applicant is suffering from Schizophrenia disorder and bipolar disorder. There are documents filed at page no. 151 and 778 in support of the said disorder.

6. According to the learned APP this was clear cut case of the murder showing the involvement of the Applicant and the defence of the medical disorder cannot be accepted simply for the reason that the Applicant came to reside in the house of the first informant and he stayed in the house and then killed the deceased with the knife. This conduct destroys the theory of the mental disorder.

7. After going through the papers, it can be very well said that there is involvement of the Applicant. For not filing papers as contended, the Applicant cannot be granted bail, this issue can be raised before the trial Court. It is true that medical papers are filed. It is also true that the mental condition of the Applicant at the time of the trial needs to be seen. The mental condition of the Applicant at the time of the trial is subject matter of inquiry before the trial.

8. Considering the materials collected during investigation this defence cannot be accepted at this stage. Even the learned trial

Judge while rejecting the bail application has considered the fitness certificate given by the Doctor. The Doctors have certified that the Applicant is fit for discharge. So I do not feel that the Applicant is entitled for bail in either on merits or on the ground of mental disorder.

9. At the most it can be said that before the conducting the trial, the trial Court to verify about mental condition of the Applicant at the time of the trial. So far as mental condition of the Applicant at the time of commission of offence is concerned, the Applicant can give evidence before the trial Court.

10. With these observations, the Applicant is not entitled to release on bail. Hence application is rejected.

11. The learned trial Judge to expedite the trial considering the medical papers submitted by the Applicant alongwith bail application. The trial Court need not be influenced by these observations.

[S. M. MODAK, J.]