

George vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-27-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./5202/2022

Appellant : George

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 27TH DAY OF JULY 2022 / 5TH SRAVANA, 1944 (CRIME NO.370/2021 OF VARANTHARAPPILLY POLICE STATION) PETITIONER/S: GEORGE AGED 46 YEARS SON OF JOSE, KIZHAKOODAN HOUSE, KACHERIKADAVU, VARANTHARAPPILLY VILLAGE, THRISSUR DISTRICT,, PIN - 680302 BY ADV SREEJA K.G. RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERANAKULAM, PIN - 682031 BY ADVS. ADVOCATE GENERAL OFFICE KERALA DIRECTOR GENERAL OF PROSECUTION(AG-10) P.NARAYANAN, SENIOR G.P. AND

ADDL.PUBLIC PROSECUTOR() THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 27.07.2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No.5202 of 2022
----- Dated this the 27th day of July,
2022

ORDER

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

2. Petitioner is the sole accused in SC No.1170/2021 on the

files of the Addl.District and Sessions Court, Irinjalakuda arising out of Crime No.370/2021 of Varantharappilly Police Station, Thrissur. The offence alleged against the petitioner is under Section 302 of the Indian Penal Code, 1860

3. According to the prosecution, on the intervening night of 11.06.2021, petitioner committed matricide using a wooden log and thereby committed the offences under Section 302 of the IPC

4. Smt.Sreeja, learned Counsel for the petitioner contended that the petitioner is suffering from severe psychiatric mental

disorder and therefore, he is incapable of entering a defense by reason of unsoundness of mind. It was further submitted that petitioner was arrested on 12.06.2021 and that the continued detention of the petitioner is not required.

5. Sri.P.Narayanan, learned Public Prosecutor on the other

hand, opposed the grant of bail and submitted that releasing the petitioner on bail is not conducive to the interest of not only the petitioner, but also to the society. It was further submitted that the allegation that petitioner is incapable of entering a

defense is not entirely correct, since, at present, petitioner does not have any psychiatric symptoms.

6. During the course of proceedings, when it was informed to this court that petitioner is suffering from mental disorder, a

report was called for from the Medical Board. Learned Public Prosecutor made available the report of the Medical Board constituted by the Government Mental Health Centre, West fort, Thrissur.

7. As per the report, petitioner is identified as a known case

of psychiatric illness with history of multiple inpatient evaluation and treatment at Government Mental Health Centre, Thrissur, since 2015, and diagnosed with Bipolar Affective Disorder and Substance Use Disorder (Alcohol & Cannabis) in the past. The report also states that though petitioner was irregular in his follow up and medications since 2015, during the current inpatient evaluation, petitioner showed symptoms suggestive of Manic Episode with Psychotic Symptoms and Substance Use Disorder (Alcohol, Cannabis & tobacco). However, the patient is reported to have improved symptomatically with medication in the last 6 weeks of inpatient care and as on date, he is fit for discharge and fit to stand trial. It was also reported that the patient can be transferred back to jail.

8. On a consideration of the above report, I find that

though the petitioner is alleged to have been suffering from severe mental illness, the medication administered so far has, brought improvement. However, petitioner has neither his father nor does he have any relative for taking care of the medical requirements.

9. Having regard to the nature of allegations levelled

against the petitioner, including the offence of matricide, I am of the view that this is not a fit case, where the petitioner can be released on bail. However, taking note of requirement of medical treatment, I direct that the State shall take all possible measures to continue regular psychiatric treatment of the petitioner, while he is in

custody.

10. Apart from the above, taking note of the peculiar

circumstances, I am of the view that the trial in SC No.1170/2021 on the files of the Additional Sessions Court, Irinjalakuda is required to be expedited. Accordingly, notwithstanding the dismissal of this bail application, I direct the learned Sessions Judge, dealing with the case to initiate appropriate steps to expedite trial in the aforesaid Sessions Case.

The bail application is dismissed. Sd/ BECHU KURIAN THOMAS JUDGE jm/

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