

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 26th DAY OF OCTOBER, 2010

BEFORE

THE HON'BLE MR. JUSTICE L. NARAYANA SWAMY

Crl. P. No. 8017/2010

BETWEEN:

KOTRESH
S/O LAKSHMAPPA
AGE 25 YEARS,
OCC: AGRICULTURIST
R/O BHATTANAHALLI VILLAGE
KUDLIGI TQ., BELLARY DISTRICT. PETITIONER

(BY SRI. J.BASAVARAJ, ADVOCATE)

AND

THE STATE OF KARNATAKA
(THROUGH KOTTUR P.S, BELLARY DIST.)
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
CIRCUIT BENCH, DHARWAD. RESPONDENT

(BY SRI V.M. BANAKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439
CR.P.C. SEEKING TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.25/2010 REGISTERED IN KOTTUR POLICE STATION,
KUDLIGI TQ., BELLARY DISTRICT U/S 504, 326, 302 OF IPC
PENDING ON THE FILE OF LEARNED CIVIL JUDGE(SR.DN)
HOSPET.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE
COURT MADE THE FOLLOWING:



ORDER

The petitioner has been charged for the offences under Sections 504, 326 and 302 of the Indian Penal Code in Crime No.25/2010 by the Kottur Police.

2. Learned counsel for the petitioner submits that the petitioner is suffering from Catatonia due to psychic unspecified psychosis and that he was treated at NIMANS, Bangalore and also at Dharwad. He further submits that the offence committed by the petitioner is not because of enmity and he prays to allow this petition by extending the petitioner the benefit of bail.

3. Statement of objection is filed by the learned Government Pleader. Government Pleader submits that as contended by the counsel for the petitioner himself, the petitioner is a psychic patient and under this circumstance, if he is released on bail, he may tamper the witnesses and hamper the prosecution agency. Hence, he prays for dismissal of the petition.



4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. This Court by order dated 07/09/2010 directed the Superintendent of Central Prison, Bellary, to cause the petitioner to be produced before psychiatrist at NIMANS hospital, Bangalore and obtain a report from the said Doctor as to the mental condition of the petitioner and submit the same before Court on or before 15/09/2010. Medical report is not yet received. Today, the learned counsel is not in a position to say as to the mental condition of the petitioner. Hence, in the absence of any cogent evidence being produced by the counsel for the petitioner, I deem it appropriate to reject the petition.

Accordingly, the petition is rejected. The petitioner is at liberty to prefer a petition after obtaining medical certificate. Any observation made in this petition shall not influence the trial Court while deciding the main matter.

kmv

Sd/-
JUDGE