
(2021) 11 KL CK 0139
In the High Court Of Kerala
Case No : Bail Appl. No. 6430 Of 2021

Aashique @ Aashique Babu

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to property) Act, 2012 — Section 3, 4

Citation : (2021) 11 KL CK 0139

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : S.Shanavas Khan, S.Indu, Seetha .S

Final Decision : Allowed

Judgement

Gopinath P, J

1. This is an application for anticipatory bail.
2. The petitioner is the accused in Crime No.1088/2021 of Thiruvalla Police Station, Pathanamthitta District alleging commission of offences under Sections 3 & 4 of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to property) Act, 2012.
3. The allegation against the petitioner is that on the death of the petitioner's mother, who was being treated at the Believers Church Medical College Hospital, Thiruvalla, the petitioner turned violent and broke the glass door of the office of the Public Relations Officer of the Hospital and thereby committed the offences under the aforesaid provisions of law.
4. The learned counsel for the petitioner submits that the allegations, even if accepted to be true, were only the result of an emotional outburst of the death of his mother and he had not attacked any staff of the hospital. It is submitted that the allegations are false and that the complaint was raised because of the

petitioner had a heated argument with the Public Relations Officer, who had behaved very rudely to the petitioner. It is also submitted that a huge amount was collected from the petitioner towards the treatment of his mother.

5. Having regard to the facts and circumstances of the case and having heard the learned Public Prosecutor, I am of the view that the custody of the petitioner may not be required for the purposes of investigation into the matter.

6. In the result, this application for anticipatory bail is allowed. It is directed that in the event of arrest in connection with Crime No.1088/2021 of Thiruvalla Police Station, the petitioner shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The petitioner shall report before the investigating officer Every Sunday in Crime No. 1088/2021 of Thiruvalla Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation or any witness in Crime No. 1088/2021 of Thiruvalla Police Station;

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No. 1088/2021 of Thiruvalla Police Station, Pathanamthitta District may file an application before the jurisdictional Court, for cancellation of bail.