
(2023) 04 KL CK 0114

In the High Court Of Kerala

Case No : Bail Application No. 2468 Of 2023

Christinraj. T.L @ Vinod

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 13-04-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 143, 147, 149, 294(b), 323, 354, 427, 451, 506
Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012 — Sections 3, 4

Citation : (2023) 04 KL CK 0114

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : Shyni Das J.S., Appu Ajith, Vishnu Rajagopal, C.S.Hrithwik

Final Decision : Dismissed

Judgement

Dr. Kauser Edappagath, J

1. This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
2. The applicant is the accused No.5 in Crime No.160/2023 of Poovar Police Station. The offences alleged are punishable under Sections 143, 147, 149, 451, 294(b), 323, 354, 506 and 427 of IPC and Sections 3 and 4 of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012.
3. The prosecution case, in short, is that on 10.02.2023, at about 22.30 hours, the applicant along with the remaining accused, formed themselves into an unlawful assembly, abused and assaulted a Doctor and a staff nurse of Royal Medicity Hospital, Pazhayakada, also caused damages to the glass and chairs in the Out Patient Department of the hospital and thereby committed the above said offences.

4. I have heard Sri.Shyni Das J.S., the learned counsel for the applicant and Sri.C.S.Hrithwik, the learned Senior Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and if he is released on bail at this stage, it will affect the course of the investigation.

6. This Court has already been granted anticipatory bail to the accused Nos.1 to 4. There are no serious allegations against the applicant. The only allegation against the applicant is that he criminally intimidated and abused the hospital staff. He has no criminal antecedents. Considering the allegations levelled against the applicant, his custodial interrogation does not appear to be necessary. For these reasons, it is a fit case where pre-arrest bail can be granted to the applicant.

In the result, the application is allowed on the following conditions:-

(i) The applicant shall be released on bail in the event of his arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicant shall fully cooperate with the investigation, including subjecting himself to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.