
(2021) 10 KL CK 0047
In the High Court Of Kerala
Case No : Bail Appl. No. 7357 Of 2021

Nithin Antony

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294(b), 506
Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to the Property) Act, 2012 — Section 3, 4(1)
Kerala Police Act, 2011 — Section 118(a)

Citation : (2021) 10 KL CK 0047

Hon'ble Judges : M.R.Anitha, J

Bench : Single Bench

Advocate : Arun Ashok, Neena James, C.N Prabhakaran

Final Decision : Allowed

Judgement

M.R.Anitha, J

1. Petitioners are accused Nos.4 and 5 in crime No.1521/2021 of Thoppumpady Police Station, which is registered for the offences punishable under Sections 294(b), 506 r/w. Section 34 IPC and Section 118(a) of the Kerala Police Act and Section 4(1) r/w 3 of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to the Property) Act, 2012 and under Section 118(a) of KP Act.

2. It is alleged that on 01.09.2021 at about 00.50 hours, accused persons went to Thoppunnipady-Karuvelipady Govt.Maharajas Taluk Hospital along with the first accused, who sustained injury by a fall. When the defacto complainant, who was the duty Doctor examined the first accused, directed to put a stitch, then the first accused abused the Doctor using filthy language and accused persons intimidated her and created a dreadful situation in the hospital. Thereby the accused persons committed the offences aforementioned.

3. Heard both sides.

4. The petitioners were arrested on 05.09.2021 and thereafter, they have been under confinement.

5. From the side of the respondent, report along with copy of FIR and FIS also has been produced. The report filed by the SHO would show that the fourth accused is involved in several crimes. But none of the offences are that serious in nature. It is also reported that the fourth accused is aged only 23 years and 5th accused is aged 22 years.

Considering the nature of the offences alleged to have been committed by the petitioners and the period of confinement already undergone by them and also taking into account the age of the petitioners, I am of the view that continued confinement of the petitioners is not necessary in this case. Hence, I am inclined to grant bail to the petitioners on the following stringent conditions:-

- i. The petitioners shall be released on bail on his executing bond for a sum of Rs.35.000/- (Rupees thirty five thousand Only) each, with two solvent sureties for like sum each to the satisfaction of the court having jurisdiction.
- ii. The petitioners shall appear before the SHO concerned on all Monday and Fridays between 10.00 a.m and 11.00 a.nn for a period of three months from the date of their release or till the final report is filed, whichever is earlier.
- iii. The petitioners shall surrender their original passport before the court concerned. If they are not having a passport, they shall file an affidavit regarding the same before the court, within a week for their release on bail.
- iv. The petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- v. The petitioners shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

This bail application is allowed as above.