

(2023) 08 KL CK 0173
In the High Court Of Kerala
Case No : Criminal Appeal No.43 Of 2023

Reji Thomas @ Vayalar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 232, 313(1)(b), 330(2), 334, 335(1), 335(1)(a), 335(4), 336, 336(1), 337, 338, 357(1)(b), 374(2), 428
Indian Penal Code, 1860 — Section 84, 299, 302

Citation : (2023) 08 KL CK 0173

Hon'ble Judges : P.B.Suresh Kumar, J;C.S.Sudha, J

Bench : Division Bench

Advocate : Rajesh K Raju, Ambika Devi S

Final Decision : Allowed

Judgement

K.Babu, J

1. This is an application filed under Section 439 of the Code of Criminal Procedure.
2. The petitioner is the sole accused in Crime No.598/2023 of Chavakkad Police Station. The offences alleged against the petitioner are punishable under Sections 353, 294(b) of IPC and Sections 4(1) and 4(2) of the Kerala Health Service Persons and Health Service Institutions (Prevention of Violence & Damage of Property) Act, 2012.
3. The prosecution case is that on 04.08.2023 at 17.20 hrs the petitioner trespassed into Government Taluk Hospital, Chavakkad and abused the employees of the hospital and disrupted their official duty.
4. The petitioner was arrested on 04.08.2023 and has been in judicial custody since then.
5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged. It is submitted that the petitioner is suffering from serious Kidney related issues and when he approached the hospital complaining of severe stomach pain, nobody attended to him. When the pain became unbearable, he got agitated and thereafter the above said crime was falsely registered against him.

7. The learned Public Prosecutor opposed the bail plea of the petitioner.

8. I have gone through the materials placed before the Court. The investigation is in the final stage. I feel that further detention of the petitioner is not required.

9. Having regard to the nature of the allegations, stage of the investigation and the tenure of judicial custody undergone by the petitioner, I am of the view that the petitioner is entitled to be released on bail on conditions.

In the result, the Bail Application is allowed as follows:

(a) The petitioner shall be released on bail on his executing bond for Rs.50,000/ (Rupees Fifty Thousand Only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(b) The petitioner shall appear before the Investigating Officer on all Mondays between 10 A.M. and 11 A.M. for a period of three months or till the final report is filed, whichever is earlier.

(c) The petitioner shall not try to influence the prosecution witnesses or attempt to tamper with the evidence.