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Jins Francis, vs State of Kerala ,Represented by the Public Prosecutor

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Court : Kerala Orders

Decided On : Jan-08-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./10695/2023

Appellant : Jins Francis,

Respondent : State of Kerala ,Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS MONDAY, THE 8TH DAY OF JANUARY 2024 / 18TH POUSHA, BAIL APPL. NO. 10695 OF 2023 CRIME NO.1162/2023 OF CHALAKKUDY POLICE STATION, THRISSUR PETITIONER/ACCUSED: JINS FRANCIS, AGED 37 YEARS, S/O FRANCIS, CHIRAYATH HOUSE, PUTHENCHIRA DESOM, PUTHENCHIRA VILLAGE, THRISSUR DISTRICT, PIN - 680682. BY ADVS. MANUMON A. REBIN VINCENT GRALAN SURESH C. DINESH G WARRIER JAYAN KUTTICHAKKU RESPONDENTS: STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, PIN - 682031. SR.PUBLIC PROSECUTOR SRI.VIPIN NARAYAN THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 08.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B A No.10695 of 2023 2

ORDER

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, filed by the sole accused in Crime No.1162 of 2023 of Chalakkudy Police Station, Thrissur District, registered under Sections 341, 323 and 506 of IPC and Section 4(1)(3) of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012.

2. The prosecution allegation is that on 19.09.2023, at

1.50 p.m., the petitioner went to St.James Hospital, Chalakkudy for treatment. while the Doctor was examining him, he caught hold on her hands with an ill-motive to humiliate her. When the Staff Nurses intervened, they were also assaulted by him.

3. Learned counsel for the petitioner would submit that

going by the definition of violence under Section 2(e) of the said Act violence means activities causing any harm, injury or endangering the life or intimidation, obstruction or hindrance, to any healthcare service person in discharge of B A No.10695 of 2023 3 duty in any healthcare service institution or damage or loss to property in healthcare service institutions.

4. According to the petitioner, he was in acute pain, and so he warded off the hands of the Doctor and the Staff and he never caused any harm or injury endangering their life.

5. Learned Public Prosecutor opposed the bail

application and would submit on instructions that, when the Doctor tried to examine the petitioner, when he was brought to her hospital with complaints of

stomach ache, he was fully drunk, and he caught hold on her right hand. When she warded off his hand and warned him, the Staff Nurses intervened and he intimidated them also in a like manner.

6. The fact that the petitioner reached the hospital in

an inebriated mood, and intimidated and used criminal force against the Doctor and Staff Nurses, causing obstruction, cannot be viewed lightly. Now-a-days, such incidents are on the rise and the brutal murder of Dr.Vandana is still afresh in our mind. Healthcare Service persons need protection to discharge their functions in a fearless manner. So this Court is not inclined to release the petitioner on anticipatory bail.

B A No.10695 of 2023 4 In the result, this bail application is dismissed. Sd/- SOPHY THOMAS, JUDGE DSV/- B A No.10695 of 2023 5 APPENDIX OF BAIL APPL. 10695/2023 PETITIONERS ANNEXURES : Annexure 1 A TRUE COPY OF THE ORDER DATED 25-11-2023 BY THE HON'BLE JUDICIAL PRINCIPAL DISTRICT & SESSIONS COURT, THRISSUR IN CRL.MC 1599/2023 DISMISSING THE SAME. RESPONDENTS ANNEXURES : NIL

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