

Vinayan vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./3297/2024

Appellant : Vinayan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946
BAIL APPL. NO. 3297 OF 2024 CRIME NO.510/2024 OF
IRINJALAKUDA POLICE STATION, THRISSUR PETITIONER:
VINAYAN AGED 42 YEARS SON OF RAJAN, PANAMPILLYKATTIL
HOUSE, PUTHENCHIRA VILLAGE, THRISSUR, PIN - 680682 BY
ADVS. JITHIN BABU A ARUN SAMUEL CLETUS THOTTAPILLY
RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
ADV.PUSHPALATHA -SENIOR GOVERNMENT PLEADER THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.04.2024,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

----- B.A.No.3297 of 2024
----- Dated this the 30th day of
April, 2024

ORDER

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. The petitioner is the accused in Crime No.510 of

2024 of Irinjalakuda Police Station, Thrissur for having allegedly committed the offences punishable under Sections 448, 294(b), 323 and 506 of the Indian Penal Code, 1860 and Section 4(1) of Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012.

3. The prosecution allegation is that at about 10.30 p.m. on 08.04.2024 the petitioner had trespassed into the hospital run by the defacto complainant, abused and assaulted a staff nurse and threatened the husband of the defacto complainant.

4. The petitioner would contend that he did not involve in the alleged crime and without any material or evidence, he was implicated in the crime.

5. On the instruction of the Sub Inspector of Police, Irinjalakuda Police Station, the learned Public Prosecutor objected the grant of bail to the petitioner.

6. It appears that there was an allegation of medical negligence in the death of one Chandran and in order to

wreck vengeance on the protest about that medical negligence, this case was foisted. Having heard the learned counsel on both sides and considering the

nature of the offence, I am of the view that the detention of the petitioner during the period of investigation is not necessary in this case. In the result, the bail application is allowed and the

applicant is directed to surrender before the investigating officer within two weeks. After interrogation and in the event of his being arrested, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) During the bail period, He shall not get

involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/- P.G. AJITHKUMAR, JUDGE SMF

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