

Devarajan vs State of Kerala

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Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2902/2023

Appellant : Devarajan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945
BAIL APPL. NO. 2902 OF 2023 CRIME NO. 259 OF 2023 OF
KAYAMKULAM POLICE STATION, ALAPPUZHA
PETITIONER/ACCUSED: DEVARAJAN AGED 62 YEARS KAIRALI
HOUSE, KRISHNAPURAM PANCHAYAT, KAPPIL MEKKU MURI,
KRISHNAPURAM VILLAGE, KAYAMKULAM, ALAPPUZHA., PIN -
690533 BY ADVS. GOKUL D. SUDHAKARAN ARAVIND BABU A.S
RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 SUB INSPECTOR OF POLICE

KAYAMKULAM POLICE STATION, KAYAMKULAM, ALAPPUZHA, PIN - 690502 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: SRI. P G MANU SR-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

A.BADHARUDEEN, J.

----- BAIL APPL. No. 2902 of 2023

----- Dated this the 1st day of June, 2023.

ORDER

This is an application for regular bail filed by the sole accused in Crime No. 259/2023 of Kayamkulam Police Station, Alappuzha.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the case diary placed by the learned Public Prosecutor.

4. The prosecution case in brief is that, at about 03.20 hours on

23.03.2023, the petitioner herein, caused grievous injury to the defacto complainant who is the security guard in Government Hospital Kayamkulam and also to one Vikraman, a home guard therein, by using scissors. There is further allegation, that accused also abused Dr. Shanima on duty. Although, no fatality suffered, the defacto defendant and home guard sustained very serious injuries including fracture, as could be gathered from the discharge summary issued from Directorate of Medical Education. On this premise, the ..3.. prosecution alleges commission of offences punishable under Sections 450, 323, 324, 506, 332, 353, 307 and 294(b) of Indian Penal Code.

5. The learned counsel for the petitioner submitted that the petitioner is a first time offender and he has been in custody from

23.03.2023. He also submitted that the petitioner has been suffering from cancer and has been on treatment. Therefore, the learned counsel for the petitioner pursued the relief of the regular bail to continue the treatment.

6. Whereas, the learned Public Prosecutor submitted that this is

a case wherein, the staff members of the hospital were attacked and there is allegation that the petitioner also abused the doctor on duty. However, the learned Public Prosecutor placed the report of the Superintendent, Special Sub Jail, Mavelikkara, detailing the treatment given to the petitioner.

7. On perusal of the case diary, prosecution case is well made out, prima facie and it could be noticed that Sri. Vikraman sustained very serious injuries as noted hereunder;

1. Hemoperitoneum of around 1.5 litres

2. Jejunal through and through injury 50 cm DJ (Duodenojejunal) flexure ..4..

3. Ileal injury 50 cm around Ileocaecal junction

4. multiple tear in omentum 5. Stab injury 1.5 cm x 1.5 cm left side of the abdominal wall However, in the report of the Superintendent, Special Sub Jail, Mavelikkara, it has been stated as under;

I invite your kind attention regarding the treatment given to RP-4944 Devarajan s/o Janardhanan (Aged. 50 years) who was remanded on 24.03.2023 in Mavelikara Special Sub Jail as per ref 1 and was sent to Mavelikara District Hospital Mavelikara on 24.03.2023 for urgent treatment. On 25.03.2023 as per Medical Officer's reference (Ref 2), the accused was sent to Vandanam Medical College Hospital, Alappuzha for further treatment. He was admitted on 25.03.2023 and treatment was provided and was discharged on 12.04.2023 and brought back to jail. The aforesaid accused is currently taking medicine for diseases such as blood pressure, diabetes, sleep deprivation and cancer. Since the accused was undergoing treatment for cancer at Thiruvananthapuram

Regional cancer Centre, he was sent for further treatment on 19.05.2023 and was sent back to prison on the same day after treatment. Since the said accused is suffering from Cancer and other various diseases, immense care should be given to him. If his appeal for bail is delayed for a longer period, considering the fact that the accused has lot of health related problems, it would be appropriate to shift the accused to ..5.. Thiruvananthapuram Central Prison & Correctional Home where hospital facility is available and on the advise of Medical Officer Special diet will be provided. Ref 2,3 and 4 are attached along with i Humbly submits report before the hon;ble court.

8. On perusal of the report, it is clear that the petitioner is a person who has been suffering from cancer and he would require

effective treatment. In such circumstances, in consideration of his medical condition and taking note of the fact that final report already filed, he can be enlarged on regular bail on conditions and one among the conditions is that the petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted.

Accordingly, the bail application is allowed and the petitioner is released on bail, by imposing the following conditions:

- i. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) by themselves and with two solvent sureties, for the like amount to the satisfaction of the jurisdictional court concerned. ..6..
- ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the trial and shall be available for trial.
- iii. The petitioner shall appear before the court as and when directed.
- iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court.
- v. The petitioner shall not involve in any other offence during the

currency of bail and any such event, if reported or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted.

Sd/- A.BADHARUDEEN, JUDGE mtk

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