

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 199 of 2015 ()

CRIME NO. 1275/2014 OF KUMILY POLICE STATION, IDUKKI DISTRICT

PETITIONER/ACCUSED :

**ROBEN ANTONY, AGED 22 YEARS
S/O.ANTONY, PUTHENPARAMBEL HOUSE, 6TH MILE
CHAKKUPALLAM P.O., ANAKKARA, IDUKKI DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

B.A.No.199 of 2015 D

Dated this the 5th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1275/2014 of Kumily police station, Idukki district registered for the offences punishable under Sections 341, 294(b) and 323 of the I.P.C. and sections 3 and 4 of Kerala Health Care Service Persons and Health Care Service Institution (Prevention of Violence and Damage to Property Act) 2012.

3. The allegation against the petitioner is that on 26.6.2014 at 10.30 a.m., he wrongfully restrained the de-facto complainant,

who was the P.R.O. of a clinic named 'Our Family Clinic', abused him and fisted below his eye and beat on his right cheek and right side of neck.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that it was only a mere outburst from the petitioner, when his mother was suffering from high fever was not attended by the doctor in the clinic at the proper time. Even though she was seriously ill, his request for getting her attended by the doctor was not attended to, which has resulted in a minor push and pull. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against him.

6. In the result, this bail application is allowed and the

investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge