

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Bail Appl..No. 3828 of 2015

CRIME NO. 1092/2015 OF CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S):

1. **V.P.PREMJITHLAL, AGED 37 YEARS,
S/O.PUSHPALAL, VENGATTU HOUSE, VADUTHALA
KOCHI-23.**
2. **JUVIN JOSE, AGED 25 YEARS,
S/O.JOSE ANTONY, KOLPURATHU HOUSE, VADUTHALA
KOCHI-23.**
3. **K.J.ABRAHAM, AGED 40 YEARS,
S/O.K.V.JOSE, KALATHIPARAMBIL HOUSE, VADUTHALA
KOCHI-23.**
4. **T.P.SANTHOSHKUMAR, AGED 44 YEARS,
S/O.PANKAJAKSHAN, THEKKOTTU HOUSE, VADUTHALA
KOCHI-23.**
5. **SHIBU @ VIPINKUMAR, AGED 30 YEARS,
S/O.SIVAN, VADUTHALAPARAMBU HOUSE, BOAT JETTY ROAD
VADUTHALA.**
6. **SANOOP XAVIER, AGED 28 YEARS,
S/O.K.J.ANTONY, KONATHU HOUSE, VADUTHALA
KOCHI-23.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A.No. 3828 of 2015

Dated this the 6th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 149, 294(b) and 353 IPC and under Section 3 read with Section 4 of the Kerala Health Care Service Persons and Health Care Service Institutions Act, 2012. The prosecution case is that one Sherin was being examined by a doctor of the Government Hospital, Ernakulam when the petitioners attempted to assault him and in the process they prevented the doctor from discharging her duties.

3. Heard.

4. The alleged incident happened at 10.30 p.m. on 15.06.2015. The police have registered a case against Sherin and others alleging that at 8.30 in the night on the same day; they trespassed into the house of the first petitioner and others and assaulted them and threatened to cause the death. The incident in this case happened when the petitioners were being treated in

the hospital for the injuries sustained by them in the above incident. Learned counsel submits that Sherin went to the hospital in an attempt to get a false case registered as a defence to the case registered against him and that led to the untoward incident.

5. The prosecution has no case that the petitioners assaulted the doctor or any staff of the hospital. Not even Sherin was attacked. Having regard to these facts, the prayer of the petitioners can be granted as their custodial interrogation is not necessary for effective investigation.

In the result, this application is allowed.

- 1)The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.*
- 2)The petitioners shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.*

criminal case while they are on bail.

5) *They shall not destroy or tamper with evidence.*

6) *They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge