

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 3881 of 2015 ()

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CRIME NO. 568/2015 OF AREACODE POLICE STATION, MANJERI,
MALAPPURAM DISTRICT
-----**

PETITIONER/ACCUSED NO.1:

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ANWAR.T.P., AGED 42 YEARS,
S/O. ABDULLA, THIRUTHIPARAMBAN HOUSE, THERATAMMAL
URANGATTIRI P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

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- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KEARALA,
ERNAKULAM - 682 031
(CRMIE NO. 568/2015 OF AREACODE POLICE STATION,
MANJREI, MALAPPURAM DISTRICT)**
 - 2. STATION HOUSE OFFICER,
AREACODE POLICE STATION,
MALAPPURAM DISTRICT - 678 639 (CRIME NO.
568/2015 OF AREACODE POLICE STATION,
MANJERI, MALAPPURAM DISTRICT)**

R1 & R2 BY PUBLIC PROSECUTOR SRI. P.S. ABDUL KAREEM

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.3881 of 2015

Dated this the 15th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is accused in Crime No.568 of 2015 of Areacode Police station registered for the offences under Secs.323, 353 and 354 of the Indian Penal Code. The prosecution case is that the mob of which the petitioner was a member 'gheraoed' certain doctors of Taluk Hospital, Areacode, assaulted the lady doctors, outraged their modesty and prevented them from discharging their duties.

3. Heard both sides.

4. Learned counsel submits that on 09.06.2015 at about 12.40 p.m., the petitioner took his one year old child to the hospital for treatment but the four doctors who were present there did not care even to examine the child and the child was sent back. The petitioner took the child to a private hospital. The next day he lodged a complaint with the District Medical Officer, a copy of which was produced for my perusal. The alleged incident

happened on 10.06.2015 at 10.00 a.m. Learned counsel submits that the allegations are false.

5. Going by the allegations in the complaint lodged by the Superintendent of the hospital, the incident happened in the presence of Police. But the Superintendent lodged a complaint with the Police only on 12.06.2015. There is a delay of two days. There is no explanation for the delay. So the prosecution allegation can be accepted only with a pinch of salt at this stage. In these circumstance, I am inclined to grant anticipatory bail to the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. The petitioner shall surrender his

passport before the lower court concerned or if he does not have one, he file an affidavit to that effect.

4. The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5. The petitioner shall not destroy or tamper with evidence.

6. The petitioner shall not intimidate or attempt to influence the witnesses.

7. The petitioner shall not get himself involved in any other criminal case.

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

If the petitioner surrenders before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE