

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5978 of 2015

CRIME NO. 297/2015 OF VALIAMALA POLICE STATION, THIRUVANANTHAPURAM.
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PETITIONER/2ND ACCUSED:

**HEMEENA,
AGED 28 YEARS, D/O.PUSHPA BAI,
KIZHAKKUMKARA PUTHENVEEDU,
VEMB, ELAVATTOM, NEDUMANGAD.**

BY ADV. SRI.A.RAJASIMHAN

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
VALIAMALA POLICE STATION, THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.5978 of 2015

Dated this the 15th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.297 of 2015 of Valiyamala Police Station. Case is registered under Section 304 of the Indian Penal Code and Sections 38 and 39 of the Travancore Cochin Medical Practitioners Act, 1953.

3. Gist of allegation is that the first accused is only a diploma holder in ayurvedic medicines. He impersonated as an allopathy doctor and caused the petitioner to administer an injection on a patient on 20.05.2015. It caused allergy to the patient and subsequently the patient died.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that Annexure-A1 is the document to show that petitioner is a qualified nursing assistant. Her certificate reveals that she has completed nursing and midwifery course. Case of the petitioner is that she was unaware of the fact that the first accused was not qualified as allopathy doctor and as per his direction an injection was taken on the patient.

6. Learned Prosecutor submitted that the materials in the case diary would show that the first accused had projected himself as an allopathy doctor to the staff members of the hospital.

Considering the entire materials, following orders are issued:

i. Petitioner shall surrender before the investigating officer within a period of one week and submit herself for interrogation. Thereafter she shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, she shall be released on bail in Crime No.297 of 2015 of Valiyamala Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. She shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. She shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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