



2024/KER/978

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
MONDAY, THE 8TH DAY OF JANUARY 2024 / 18TH POUSHA,
1945

BAIL APPL. NO. 10695 OF 2023

CRIME NO.1162/2023 OF CHALAKUDY POLICE STATION,
THRISSUR

PETITIONER/ACCUSED:

JINS FRANCIS, AGED 37 YEARS,
S/O FRANCIS, CHIRAYATH HOUSE, PUTHENCHIRA DESOM,
PUTHENCHIRA VILLAGE, THRISSUR DISTRICT, PIN - 680682.

BY ADVS.
MANUMON A.
REBIN VINCENT GRALAN
SURESH C.
DINESH G WARRIER
JAYAN KUTTICHAKKU

RESPONDENTS:

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

SR.PUBLIC PROSECUTOR SRI.VIPIN NARAYAN

THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 08.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



ORDER

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, filed by the sole accused in Crime No.1162 of 2023 of Chalakkudy Police Station, Thrissur District, registered under Sections 341, 323 and 506 of IPC and Section 4(1)(3) of the Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Act, 2012.

2. The prosecution allegation is that on 19.09.2023, at 1.50 p.m., the petitioner went to St.James Hospital, Chalakkudy for treatment. while the Doctor was examining him, he caught hold on her hands with an ill-motive to humiliate her. When the Staff Nurses intervened, they were also assaulted by him.

3. Learned counsel for the petitioner would submit that going by the definition of "violence" under Section 2(e) of the said Act "*violence*" means '*activities causing any harm, injury or endangering the life or intimidation, obstruction or hindrance, to any healthcare service person in discharge of*



duty in any healthcare service institution or damage or loss to property in healthcare service institutions.'

4. According to the petitioner, he was in acute pain, and so he warded off the hands of the Doctor and the Staff and he never caused any harm or injury endangering their life.

5. Learned Public Prosecutor opposed the bail application and would submit on instructions that, when the Doctor tried to examine the petitioner, when he was brought to her hospital with complaints of stomach ache, he was fully drunk, and he caught hold on her right hand. When she warded off his hand and warned him, the Staff Nurses intervened and he intimidated them also in a like manner.

6. The fact that the petitioner reached the hospital in an inebriated mood, and intimidated and used criminal force against the Doctor and Staff Nurses, causing obstruction, cannot be viewed lightly. Now-a-days, such incidents are on the rise and the brutal murder of Dr.Vandana is still afresh in our mind. Healthcare Service persons need protection to discharge their functions in a fearless manner. So this Court is not inclined to release the petitioner on anticipatory bail.



In the result, this bail application is dismissed.

Sd/-

**SOPHY THOMAS,
JUDGE**

DSV/-



APPENDIX OF BAIL APPL. 10695/2023

PETITIONER'S ANNEXURES :

Annexure 1 A TRUE COPY OF THE ORDER DATED
25-11-2023 BY THE HON'BLE JUDICIAL
PRINCIPAL DISTRICT & SESSIONS COURT,
THRISSUR IN CRL.MC 1599/2023 DISMISSING
THE SAME.

RESPONDENT'S ANNEXURES : NIL