

B.A. No. 6972 /2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 13TH DAY OF SEPTEMBER 2022/22ND BHADRA, 1944

BAIL APPL. NO. 6972 OF 2022

CRIME NO.610/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER/ACCUSED:

VINSON, AGED 50,
S/O. ANTONY, THARAKAN MELAYIL HOUSE,
KOONAMMOOCHI DESOM, CHOONDAL VILLAGE,
GURUVAYOOR, THRISSUR, PIN - 680504.

BY ADVS.M/S.K.R.VINOD, M.S.LETHA, K.S.SREEREKHA
& NABIL KHADER

RESPONDENT/COMPLAINANT:

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

SRI.ASHI M.C., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13.09.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No. 610/2022 of Guruvayoor Police Station. The offences alleged are under Sections 323, 324, 341, 353, 332, 308, 506(ii) & 294(b) of the IPC and Sec.3(I) of the PDPP Act, 1984.

3. The prosecution case in short is that on 22.8.2022 at 1.30 P.M., when the petitioner was called by the police with respect to an enquiry in connection with another case, he trespassed into the Guruvayoor Police Station compound with his car carrying his dog. The petitioner uttered abusive words against the police officers and threatened to kill them. Then, the petitioner took possession of a hoe kept in the Police Station and swayed it around. Thereafter, the petitioner drove his car to the Police Station gate and hit the car on the gate resulting damage to the gate. When the Grade S.I. tried to

stop the petitioner, he pushed him down and kicked him, and thus he has disrupted the official duty of the police officials.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on 22.8.2022. The major part of the investigation is over. Annexure A1 would show that the petitioner is suffering from psychotic illness. Since the

petitioner is a psychiatric patient, I directed the wife and brother of the petitioner to appear before this Court. They appeared before me. They have stated that the petitioner needs treatment. They undertook that if the petitioner is released on bail, they are prepared to take care of him during the entire bail period, and that they would also give adequate treatment to him at Mother Hospital, Thrissur.

7. Considering the fact that the petitioner is suffering from psychotic illness, and also considering the fact that he is in jail for more than last 3 weeks, I am of the view that his further detention in jail may adversely affect his illness. In these circumstances, the petitioner is entitled to be released on bail on conditions. The learned Public Prosecutor submitted that on account of the act of the petitioner, the State has sustained damage of Rs.15,000/-. Hence, the petitioner has to be directed to deposit the same before the Court below.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court. The brother of the petitioner (Sri.Simon) shall stand as one of the sureties.

(ii) The petitioner shall fully co-operate with the investigation. The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders.

(iii) If the petitioner is hospitalized in connection with his illness, the wife of the petitioner shall report the said fact to the Investigating Officer.

(iv) The wife of the petitioner as well as the brother of the petitioner shall take care of the petitioner and shall provide him adequate treatment.

(v) The petitioner shall not commit any offence of like nature while on bail.

(vi) The petitioner shall not make any attempt to

contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vii) The petitioner shall not leave the State of Kerala without the permission of the trial Court.

(viii) The petitioner shall deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand Only) at the Court below within 2 weeks.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

MMG

B.A. No. 6972 /2022

..7..

APPENDIX OF BAIL APPL.NO. 6972/2022

PETITIONER'S ANNEXURES:

ANNEXURE A1 THE COPY OF THE CERTIFICATE ISSUED BY
DR.SAILAJA, PSYCHIATRIST OF WESTFORT
HI-TECH HOSPITAL LIMITED DATED
23.08.2022

ANNEXURE A2 THE COPY OF THE ORDER IN
CRL.M.P.NO.2927/2022 DATED 24.08.2022
OF JUDICIAL FIRST-CLASS MAGISTRATE
COURT, CHAVAKKAD