

**Haris, vs State of Kerala**

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**Court :** Kerala

**Decided On :** Feb-11-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./561/2022

**Appellant :** HARIS,

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,  
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 BAIL  
APPL. NO. 561 OF 2022 CRIME NO.9/2022 O PANTHEERANKAVU  
POLICE STATION, KOZHIKODE AGAINST THE ORDER IN CMP  
88/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -  
II(MOBILE)KOZHIKODE PETITIONER/ACCUSED: HARIS, AGED 34  
YEARS S/O. ABDU, ALAYAN HOUSE, KOTTOPADAM POST,  
MANNARKKAD , PALAKKAD 678 582. BY ADVS. M.SANTHI  
(K/868/2011) G.RANJU MOHAN RESPONDENT/COMPLAINANT:  
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM 682 031. OTHER PRESENT:

SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.561/2022 2

## **ORDER**

This is an application for regular bail.

2. The petitioner is the accused in Crime No.9/2022 of

Pantheerankavu Police Station, Kozhikode District alleging commission of offences under Sections 279, 338 and 304 of the Indian Penal Code and under Section 185 of the Motor Vehicles Act.

3. The allegation against the petitioner is that on 6.1.2022 at about

5 p.m., the petitioner was driving lorry in a rash and negligent manner as a result of which he rammed into three cars and a goods autorickshaw and two persons died and four others sustained grievous injuries. It is alleged that the petitioner was in a highly intoxicated stage when the offence was committed.

4. The learned counsel for the petitioner submits that the petitioner

is absolutely innocent in the matter. It is submitted that the accident occurred only on account of mechanical failure and not on account of any negligence on the part of the petitioner. It is submitted that the continued detention of the petitioner is not required for the purposes of investigation.

5. The learned Public Prosecutor points out the circumstances

appearing against the petitioner. It is pointed out that due to the rash and negligent driving by the petitioner, he rammed into four vehicles and two persons travelling in a Car lost their lives and four others sustained very serious injuries. It is submitted that such rash and negligent driving under the influence of alcohol is increasing day by day and such incidents have to be

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5. Having regard to the facts and circumstances of the case and

considering the nature of the allegations against the petitioner and also considering the fact that he has been in custody from 6.1.2022, I am of the opinion that the petitioner can be released on bail, subject to conditions.

6. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No.9/2022 of Pantheerankavu Police Station as and when called upon to do so;

(iii) The driving licence of the petitioner, if not already suspended, shall

remain suspended for a period of six months from today. This will be in addition to and not in derogation of any proceedings initiated against the petitioner under the provisions of the Motor Vehicles Act and Rules framed thereunder;

(iv) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.9/2022 of Pantheerankavu Police Station;  
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(v) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.9/2022 of Pantheerankavu Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd

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