

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 538 of 2015

CRIME NO. 1282/2014 OF POOCHAKKAL POLICE STATION , ALAPPUZHA

PETITIONER/ACCUSED NO.1:

**HARI T.PRAKASH @ HARIKRISHNAN, AGED 26 YEARS
S/O PRAKASHAN, THACHAPARAMBIL HOUSE, WARD NO.XII
PANAVALLY PANCHAYATH, POOCHAKKAL P.O., CHERTHALA.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS/COMPLAINANT AND STATE:

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

.....
Bail No.538 of 2015

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Dated this the 25th day of February, 2015.

O R D E R

Petition under Section 438 Cr.P.C.

Petitioner is the first accused in Crime No.1282/2014 of the Poochackal Police Station pending investigation for the offences punishable under Sections 143,147,148,323,324, 326 and 308 read with Section 149 IPC.

2. The allegation against the petitioner and the other accused is that on 21-12-2014 at 9.30 p.m, they attacked the defacto complainant with weapons after forming themselves into an unlawful assembly armed with deadly weapons. It is alleged that the petitioner beat on the left chest of the defacto complainant with an iron pipe and the other accused beat the defacto complainant on his neck and chest with a firewood. It is

further alleged that when the defacto complainant fell down, the second accused beat on his right knee and left thigh with the firewood. It is also alleged that the petitioner beat on Sajeewan with iron pipe on his right hand and below the right knee.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned Counsel for the petitioner point out that the petitioner is a basketball player who has been selected in the National Team and is playing for the country. It seems that the defacto complainant has sustained Right Parieto Occipital Hematoma and Acute Subdural Hemorrhage at the temporo-Parietal region. In treatment, Craniotomy was done and evacuation was made.

5. The learned Counsel for the petitioner has point out that no criminal antecedents have been reported against the petitioner. Further, it is pointed out that nobody has got a case that the petitioner has inflicted a blow on the head of the defacto complainant. In fact, the contents of the CD do not reveal that

nobody had inflicted a blow on the head of the defacto complainant. Considering the aforesaid aspects, I am of the view that Anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 4-3-2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the

investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

**Sd/-
B.KEMAL PASHA
(Judge)**

smm

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PA to Judge