

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 3427 of 2015 ()

CRIME NO. 959/2015 OF CHATHANNUR POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**BASHEER KUTTY, AGED 70 YEARS
S/O.MYTHEEN, MALAVILA PADINJATTATHIL, ADICHANALLOOR
VELICHAKKALA CHERY, KOLLAM
NOW RESIDING AT PUNNAVILA VEEDU, VELICHIKKALA
ADICHANALLOOR, KOLLAM DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682 031.
(CRIME NO.959/2015 OF CHATHANNUR POLICE STATION
KOLLAM DISTRICT).**
- 2. THE STATION HOUSE OFFICER
CHATHANNUR POLICE STATION
KOLLAM DISTRICT-691 572.
(CRIME NO.959/2015 OF CHATHANNUR POLICE STATION
KOLLAM DISTRICT).**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

Bail Appl. No.3427 of 2015

Dated this the 22nd day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.959 of 2015 of Chathannur Police station registered for the offence under Secs.294(b), 326 and 447 of Indian Penal Code. The prosecution case is that, he assaulted the victim with a piece of firewood causing him fracture of the bone.

3. Heard both sides.

4. The petitioner is a 71 year old man. The learned counsel submits that the injury happened in the midst of a scuffle.

5. The weapon is only a piece of firewood which according to the prosecution was thrown away at the place of occurrence itself. The parties are brothers. Having regard to the facts of the case, I am inclined to grant the prayer of the petitioner.

In the result, this bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

4) He shall not intimidate or influence the witnesses nor shall he get himself involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW
JUDGE