

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 8304 of 2014

CRIME NO. 489/2014 OF ADHUR POLICE STATION , KASARGOD

PETITIONER/SOLE ACCUSED:

JOY MATHEW, AGED 69 YEARS
S/O.LATE MATHEW, PANNADUKKAM HOUSE, MULLIYOOR VILLAGE
KASARAGOD DISTRICT.

BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

* ADDL.R2 & 3 IMPEADED
2. ANNAMMA, AGED 63 YEARS,
W/O.JOY MATHEW, PANNADUKKAM HOUSE,
MULLIYAR VILLAGE MOOLIYAR P.O.,
KASARAGOD DISTRICT, PIN-671542.
3. BINDU, AGED 35 YEARS, D/O.JOY MATHEW,
PANNADUKKAM HOUSE,
MULLIYAR VILLAGE MOOLIYAR P.O.,
KASARAGOD DISTRICT, PIN-671542.

ARE IMPEADED AS ADDL.R2 & ADDL.R3 AS PER ORDER DATED 2/12/14 IN
CRL.MA.11071/2014 IN BA.8304/14.

R1 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.
R2,R3 BY ADV. SRI.I.V.PRAMOD

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

B. KEMAL PASHA, J.

.....
B.A. No.8304 of 2014
.....

Dated this the 9th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.489/2014 of Adhur Police Station registered for the offences punishable under Sections 341, 323, 324, 325, 506(ii) and 308 IPC.

3. The allegation against the petitioner is that on 27.09.2014 at 5.30 p.m., he beat his daughter Bindu with his hand as well as an iron rod, and twisted her right thumb thereby causing dislocation of the bone of her right thumb. It is also alleged that he pushed her down and also beat his wife.

4. Heard learned counsel for the petitioner, learned counsel for the de facto complainant and learned Public Prosecutor.

5. The injured persons are the wife and daughter of

the petitioner. It seems that in connection with property disputes, they were in loggerheads. Several cases were there in between them, and also by the sons against the father and father against sons. Considering those aspects and the old age of the petitioner, I am of the view that this is a fit case wherein 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 ₹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 Mondays and Thursdays, commencing from 16.03.2015 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)

aks/09/03

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PA to Judge