

Kerala High Court

Murali @ Murali Yesudasan vs State Of Kerala Represented By The on 17 May, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 2536 of 2010()

1. MURALI @ MURALI YESUDASAN,
... Petitioner

Vs

1. STATE OF KERALA REPRESENTED BY THE
... Respondent

For Petitioner :SRI.C.RAJENDRAN

For Respondent : No Appearance

The Hon'ble MRS. Justice K.HEMA

Dated :17/05/2010

O R D E R

K. HEMA, J.

B.A. No. 2536 of 2010

Dated this 17th day of May, 2010.

ORDER

Petition for bail.

2. The alleged offence is under Section 302 IPC. The prosecution case, as narrated in Annexure-A1 order, is as follows:

"The prosecution case is that on 6.3.2010 at about 1 p.m. the deceased Babu and his friend Josekuttam @ Renjith came to the house of the accused in a drunken state. The accused who was sleeping on the cot was asked to lie on the floor and beaten by deceased Babu and his friend Renjith with their hands. The accused who slowly try to roll the mat on the floor to lie down was called obscene words and slapped on the face

by the deceased. The accused who again tried to spread the mat was kicked on his face and pushed out side the house, as a result of which two teeth of the accused was dislocated which caused bleeding from his mouth. The accused went to the house of Josekuttan to drink water. Again the deceased and Renjith came there to attack the accused. The accused ran to his house for safety and took a piece of wood and had beaten the deceased on his head with the deceased was returning to his house."

2. Learned counsel for petitioner submitted that a reading of the facts narrated by learned Magistrate themselves will show that petitioner is not guilty of the offence under Section 302 IPC, but deceased and another were aggressors and that petitioner was acting in self-defence.

3. Learned Public Prosecutor submitted that petitioner was arrested on 25.3.2010 and he is in custody for the past 55 days.

4. On hearing both sides, I am satisfied that petitioner can be granted bail and the following order is passed:

Petitioner is granted bail on his executing bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the Magistrate Court concerned on the following conditions:

(i) Petitioner shall report before the Investigating Officer on 1st Monday of every month until the charge-sheet is laid.

(ii) Petitioner shall not commit any offence while on bail.

(iii) If the petitioner is involved in any other offence while on bail, his bail is liable to be cancelled.

Petition is allowed.

Sd/-

K.HEMA, JUDGE.

krs.