

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2472 of 2015

CRIME NO. 297/2015 OF BEKAL POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. RANVIR KUMAR, AGED 25 YEARS
S/O.ANILKUMAR, TICKET BOOKING CLERK
ARCHEOLOGICAL SURVEY OF INDIA, BAKEL FORT, KASARAGOD.
2. SHAJU PV, AGED 42 YEARS,
S/O.CHANDRASEKHARAN NAIR, NEAR SOMESWARI TEMPLE
PILICODE VILLAGE, FOREMAN
ARCHEOLOGICAL SURVEY OF INDIA, BAKEL FORT, KASRAGOD

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.
2. SUB INSPECTOR OF POLICE
BEKEL POLICE STATION-686001.
3. THE SUPERINTENDING ARCHEOLOGIST,
ARCHEOLOGICAL SURVEY OF INDIA, TRICHUR-696001.

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

P.UBAID, J

Bail Appln.No.2472 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioners herein are the accused Nos.1 and 2 in Crime No.297/2015 of Bakel Police Station, registered under Sections 109, 120B & 409 IPC. They seek regular bail under Section 439 of the Code of Criminal Procedure. The application filed by them for regular bail was dismissed by the learned Judicial First Class Magistrate on 22.04.2015. The petitioners have been in judicial custody since 20.04.2015.

2. This is a case where the complainant and his material witness later happened to be arraigned as accused, on the allegation that the complaint made by the complainant is false. If at all, such an allegation is acceptable, it is not known how an allegation under Section 409 IPC is possible. What is at the most possible is a prosecution for having made a false complaint.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused are now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioners can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses. However, the petitioners will have to be directed report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioners in custody.

5. In the result, this application for bail is allowed. The petitioners will be released on bail on their executing bond with two solvent sureties for ₹20,000/- each to the satisfaction of the learned Judicial First Class Magistrate concerned. Bail is granted on condition that

a) The petitioners shall report before the investigating officer for the purpose of investigation as and when required.

b) The petitioners shall not in any manner influence or intimidate the material

witnesses, and they shall not have any contact with the material witnesses directly or over telephone or otherwise. Registry will communicate this order to the Court below at the expense of the petitioners.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A.TO JUDGE