

27.07.2021  
Item no. 19  
Court No.32.  
S.De.(s)  
(Allowed)

**(Via Video Conference)**

**CRM 3620 of 2021**

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2021 in connection with Para Police Station Case No. 167 of 2020 Dated 14.12.2020 under Sections 341/294/326/307 of the Indian Penal Code and under Section 12 of the POCSO Act 2012.

And

**In the matter of : Mustak Ansary @ Barka.**

.....Petitioner.

Mr. Madhusudan Mandal, Advocate,  
.....for the Petitioner.

Ms. Zareen N. Khan,  
Ms. Sreeparna Das, Advocate,  
.....for the State.

It is submitted on behalf of the petitioner that he is in custody for 450 days and investigation is complete. He has been falsely implicated in this case and he is innocent. His further detention shall not serve any purpose.

Learned Counsel for the State refers to the case diary including the statement of the victim under Section 164 of the Code of Criminal Procedure and her medical documents.

We have considered the material on record. The petitioner is in custody for about 450 days and investigation

is concluded. Charge sheet has been submitted. Charge is yet to be framed. In the circumstances and considering the material on record, we are inclined to hold that further detention of the petitioner is not required and he may be granted bail, however on stringent conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Raghunathpur, Purulia and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and upon further condition that the petitioner shall not enter the jurisdiction of Para Police Station except for attending the Court proceedings and shall furnish the address where he will be residing to the learned Trial Judge.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**