

22.04.2025

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jdt.

Allowed

C.R.M. (DB) 461 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Raiganj Police Station Case No. 805 of 2021 dated 17.09.2021 under Sections 447/324/326/307/302/34 of the Indian Penal Code.

And

In Re : Mohammand Ansari @ Mohammed Ansari
... Petitioner.

Mr. Kunal Ganguly
Mr. Kaustav Banerjee
... For the Petitioner.

Mr. Debasish Roy
Mr. S. Bhakat
... For the State.

Mr. Nirupam Dhali
... For the *De Facto* Complainant

The petitioner seeks parity with co-accused Mojahid Ansari who has been granted bail on 22nd January, 2025 on the touch stone of Article 21 of the Constitution of India.

Learned counsel for the petitioner submits that the petitioner is on the same footing in so far as the period of detention is concerned. The order granting bail to co-accused Mojahid Ansari was assailed by the *defacto* complainant before the Hon'ble Supreme Court and by an order passed on 7th April, 2025 in Special Leave Petition (Criminal) no. 11601/2025, the Special Leave Petition was dismissed.

Learned counsels for the State and the *defacto* complainant oppose the prayer.

The petitioner is in custody for about 3 years and 7 months and appears to be on the same footing with the co-accused Mojahid Ansari in so far as the period of detention is concerned. Since the co-accused Mojahid Ansari was granted bail by this

Court upon consideration of his period of detention, the petitioner is entitled to the same benefit. It is pertinent to record that 8 out of 18 witnesses have been examined till date and possibility of conclusion of trial in near future is bleak.

Accordingly, the prayer for bail is allowed.

The petitioner namely, Mohammand Ansari @ Mohammed Ansari shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Uttar Dinajpur subject to condition that he shall remain within the jurisdiction of Raiganj police station and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)