

CRM (DB) 4035 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Gazole Police Station** Case No. **557 of 2024** dated **11.07.2024** under Sections **126(2)/351(3)/64(1)** of the BNS.

- A n d -

In the matter of : Gaffar Ansari

.... Petitioner.

Mr. Avinaba Patra,
Mr. Agnik Maulik,

... For the Petitioner.

Mr. Soumik Ganguly,
Ms. Pinky Sarkar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in Court today be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The allegation is of wrongful restraint, criminal intimidation and rape. The petitioner says that he has been falsely implicated. There is no material on record to substantiate the aforesaid charges. He is in custody for about 200 days. Investigation is complete. Charge sheet has been submitted. His further custodial detention is not necessary.
4. Opposing the prayer for bail, learned State Advocate draws our attention to the material in the case diary. The medical report *prima facie* does not support the prosecution case.
5. On an overall consideration of the material on record and considering that investigation is complete, in our opinion, further custodial detention of the petitioner is not necessary.

6. Accordingly, we direct that the petitioner, namely, **Gaffar Ansari**, 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 Learned Chief Judicial Magistrate, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the English Bazar Police Station and shall meet the I.C. of the concerned police station once every week until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.

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

(**Apurba Sinha Ray, J.**)

(**Arijit Banerjee, J.**)