

30.07.2021

Court No.28
Item No.19
(ALLOWED)

Ab

CRM 2921 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Daspur Police Station Case No. 285 of 2019 dated 06.08.2019 under Sections 341/323/325/308/379/506/34 of the Indian Penal Code (G. R. Case No. 723 of 2019);

And

In the matter of : **Osman @ Osman Ali Khan.**
...Petitioner

Mr. Arup Kumar Bhowmick.

...For the Petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 285 of 2019 under Sections 341/323/325/308/379/506/34 of the Indian Penal Code.

The petitioner claims bail in connection with the aforesaid case on the premise that other co-accused has already been enlarged on bail.

The aforesaid fact has not been disputed by the learned Advocate for the State except that the petitioner was absconding for pretty long time and surrendered before the Court in the month of February, 2021.

We have an occasion to peruse the injury report and the statement of the witnesses. We find the allegation is omnibus in nature and, therefore, once the other co-accused has already been enlarged on bail and the fact that the petitioner is already in custody since the month of February, 2021, we do not think that custodial interrogation of the petitioner is necessary.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipore, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 2921 of 2021, is thus **allowed.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)