

36.
25-11-2024
(ct. no.29)
debajyoti
(rejected)

CRM (DB) 2736 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Beldanga Police Station Case No.499 of 2023 dated 08-07-2023 under Sections 302/34 of the Indian Penal Code.

- A n d -

**In the matter of : Osman Gani @ Osman Sk @ Sekh Osman
Gani**
.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Poulami Bose

... For the Petitioner.

Mr. Joydeep Biswas,
Mr. Jisan Iqbal Hossain

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 1 year 4 months. No specific overt act has been attributed to him by the witnesses whose statements were recorded under Section 161 of the Code of Criminal Procedure. There are 14 accused persons. The Post Mortem Report indicates only two injuries. This is inconsistent with 14 persons beating up the victim. He does not stand on the same footing as the accused persons whose bail applications were rejected by this Court. He prays for bail.

2. Opposing the prayer, learned advocate for the State draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We find that this petitioner is more or less similarly circumstanced as the accused person, namely, Murselim Sk.,

whose bail prayer was rejected by a coordinate Bench on February 07, 2024 in CRM (DB) 387 of 2024.

3. In view of the aforesaid, and in view of the gravity of the alleged offence and also seeing that all the witnesses have named this petitioner as one of the assailants, we are not inclined to allow the prayer of the petitioner for bail, at this stage.

4. The application for bail is, thus, **dismissed**.

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

6. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)