

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE
KHATRA, BANKURA.

S.C. 16(1)18

Ref:Taldangra P.S. Case No. 72/17

Dated- 13.9.17. G.R. No. 384/17.

State – versus – Usman Mallick and others. -- Accused persons.

**Order No. 3,
Date- 20.2.18.**

2 accused persons namely Yeakat Ali Khan and Usman Mallick are produced from J/C.

Accused Ider Ali Khan has not been produced from Bankura District Correctional Home. It has been reported by Superintendent, Bankura District Correctional Home vide his letter No. 455/AB dated 19.2.18 that accused Ider Ali Mallick was sent to O.P.D. of Bankura Sammilani Medical College and Hospital on 19.2.18 (noon) for check up since he was complaining of severe stomach pain and there he was admitted by the Medical Officer of B.S.M.C.H. for facility of better medical treatment and management and he has not been returned to the Correctional Home till 19.2.18.

Superintendent, Bankura Sammilani Medical College and Hospital is hereby requested to arrange all sorts of medical treatment of custody accused Ider Ali Mallick who has been admitted at B.S.M.C.H. , Bankura on 19.2.18 .

Vide Order No. 2, dated 2.2.18, I.O. was directed by this court to collect the F.S.L. report from F.S.L. Department by this day with a direction that Superintendent of Police, Bankura will monitor the collection process of F.S.L. report by I.O.

Ld. Additional Public Prosecutor on this day has filed a xerox copy of a letter dated 7.2.18 wherefrom it appears that Superintendent of Police wrote a letter to the Additional Director General of Police, Coastal Security and Administrator, Forensic Science Laboratory, 37/1/2 Belgachia Road, Kol.- 37 with a request to release the C.E.'s report as early as possible.

Ld. Additional P.P. submitted that police did not get the report from the F.S.L. Department as yet.

Fix **20.3.18** for submission of F.S.L. report by the I.O. after collecting the same from the F.S.L. Department and also for consideration of charge . To date also be fixed for appearance of accused persons remaining on court bail.

The aforesaid 2 accused persons be remanded to J/C till 20.3.18.

S.C. 16(1)18

**Order No. 3,
Date- 20.2.18,contd.**

Superintendent, Bankura District Correctional home is hereby directed to produce the accused Ider Ali Mallick before this court on 20.3.18, if he found physically fit for production.

Let a copy of this order be sent to the Superintendent, Bankura District Correctional Home for his information while another copy of this order be sent to the Superintendent, Bankura Sammilani Medical College and Hospital for his information and taking necessary action in the matter as indicated in the body of this order.

Copy of this order also be sent to the I.O. S.I. Subhasis Halder of Taldangra P.S. for his compliance.

Copy of this order also be sent to the Superintendent of Police, Bankura for his information.

D/C by me

Sd/- Subhasis Ghosh,
A.S.J.

Sd/- Subhasis Ghosh,
Additional Sessions Judge,
Khatra, Bankura.
20.2.18.

S.C. 16(1)18

**Order No. 4,
Date- 20.2.18.**

Thereafter the petition filed by accused Yeakat Ali Khan and Usman Mallick praying for bail dated 2.2.18 is taken up for hearing. At the very outset Ld. Advocate for the accused persons has filed one application praying for correction of the name of accused petitioner No. 2. It has been stated in the said petition that the name of accused petitioner No. 2 is Usman Mallick and his such name be read in the bail petition. So the said petition is considered and allowed. Name of accused petitioner No. 2 be written as Usman Mallick instead of Osman Ali Mallick in the petition for bail dated 2.2.18, by way of correction.

contd.

S.C. 16(1)18

Order No. 4,
Date- 20.2.18,contd.

Thereafter, Hd. Ld. Advocate for the accused persons with reference to the petition for bail when he submitted that both the aforesaid accused persons have been languishing in the jail custody for 124 days , some of the co-accused persons have been granted bail by this court and Hon'ble High Court has been pleased to grant bail to one of the principal accused. Investigation has already been completed. Prosecution failed to collect the F.S.L. report inspite of giving specific direction by the Ld. Court.

On the contrary Additional P.P. submitted that one offending sword was recovered from the cow-shed of the house of p.c. accused Yeakat Ali Khan @ Bhadu leading to his confessional statement. The role of another accused Usman Mallick will be available in the statement of the witnesses recorded U/s. 164 Cr. P.C. and also from the other materials of the C.D.

Perused the instant petition for bail with affidavit dated 2.2.18, case record and C.D.

On being asked Ld. Advocate for the petitioners submitted that no application for bail was rejected before the Hon'ble High court and no application for bail has been pending before the Hon'ble High court in connection with this case in respect of the present accused/petitioners.

Considering the period of detention of accused Usman Mallick , considering the fact that investigation has already been completed and taking into account the submission advanced by Ld. Advocate of the accused persons, I am of opinion that further detention of accused Usman Mallick is not necessary and the same will not serve any effective purpose. Consequently the prayer for bail of accused Usman Mallick is considered and allowed.

Accused Usman Mallick may find bail of Rs. 2000/- with one registered surety of like amount on condition that he will not make any threat either to the defacto-complainant or to any prosecution witnesses in any manner , subject to the satisfaction of Ld. A.C.J.M., Khatra.

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S.C. 16(1)18

Order No. 4,
Date- 20.2.18,contd.

Any such threatening is reported either to this court or to the police station then court may get for cancellation of his bail without any intimation to the aforesaid accused.

Considering the materials of the C.D. considering the role attributed to the accused Yekat Ali Khan , I am not inclined to enlarge the accused Yekat Ali Khan on bail. Consequently the prayer for bail of accused Yekat Ali Khan is considered and rejected.

Return the C.D.

Let a copy of this order be sent to Ld. A.C.J.M., Khatra for his information and taking necessary action.

D/C by me
Sd/- Subhasis Ghosh,

A.S.J.

Sd/- SubhasisGhosh,

Additional Sessions Judge,
Khatra, Bankura.
20.2.18.