

IN THE COURT OF THE MUNICIPAL MAGISTRATE, 3rd COURT, CALCUTTA

*Present: Shri Sourav Roy.
(JO Code – WB1257)*

G.R. Case No. 209/2023
(Interlocutory Application No. 01/2024)
CNR – WBCS03-000408-2023

State of West Bengal v. *Mita Nag & Anr.*

Shri Somraj Dhar - *Ld. Assistant Public Prosecutor.*

Shri Sambhunath Majumder - *Ld. Counsel for the Defense.*

- O R D E R S H E E T -

Serial No. of Order	Date	Order with signature of the Magistrate	Office note as to action taken on order (if any) and date
	07.02.2024	Today the record is fixed for appearance of the accused persons and necessary orders. Both parties are present. Both accused persons are present. The accused persons surrender before this court and they are taken into custody. Ld. Defence Counsel appearing on behalf of the accused persons submits that the accused persons are noway connected to the construction made in the case premises and that they have been wrongly implicated in this case. Ld. Defence Counsel further submits that the accused persons have turned up before this court on the first date fixed for their appearance which shows that they are diligent and will face trial before this court. Accordingly, Ld. Defence Counsel prays for bail. Ld. Assistant Public Prosecutor raises formal objection and submits that the accused persons have not produced any document to show that they have cooperated with the investigation and accordingly prays for rejection of the bail petition. Heard the submissions of Ld. Counsels for both the sides and considered the same. Perused the materials on record. While, from the Final Report of Investigation, it appears that the accused persons have complied with the notice issued u/s 41A Code of Criminal Procedure, however, there is nothing on record which suggests that said notice either exists or has been complied with by the accused persons. At the same time, on perusal of Final Report of Investigation, it appears that the accused persons have cooperated with the investigation. Accordingly, in consideration of the aforementioned observations, this court finds merits in the prayer filed on behalf of the Defence. Accordingly, bail petition is considered and allowed. Accused persons namely Mita Nag & Md. Murtaza Ali are hereby released on bail upon furnishing bail bond of ₹ 3000/- each with one registered surety i.d. to J/C. <u>Bench Clerk-II to comply.</u> At this juncture Ld. Defence Counsel prays for supply of the copy which according to him is with the case record and has not been received by him. On perusal of the case record admittedly, it transpires that copy of the charge sheet as well as allied documents u/s 173(5) Contd....Pg/02	

		Pg/02 of Code of Criminal Procedure, 1973 is appended with record. Accordingly, let a copy of the same be handed over to the accused person/his representative in compliance of Section 207 of Code of Criminal Procedure, 1973. To 13.03.2024 for appearance and charge. D & C by me, Municipal Magistrate, 3rd Court, Calcutta <i>Later</i> Bail bonds are furnished on behalf of the accused persons by surety namely The bail bonds are found to be fit and is accordingly accepted. Release the accused persons at once. Recall the W/A. D & C by me, Municipal Magistrate, 3rd Court, Calcutta	
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