

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

Present: Shri Sourav Roy.

(JO Code – WB1257)

G.R. Case No. 168/2023

(Interlocutory Application No. 01/2023)

CNR – WBCS03-000357-2023

State of West Bengal

Shri Somraj Dhar

Shri Shyam Kumar Chakraborty & Shri Prabir Ranjan Basu

v.

Abdul Samed Azad.

- Ld. Assistant Public Prosecutor.

- Ld. Counsels for the Defense.

- ORDER SHEET -

Serial No. of Order	Date	Order with signature of the Magistrate	Office note as to action taken on order (if any) and date
	04.12.2023	Today the record is fixed for appearance of the accused person and necessary orders. Both parties are present. Sole accused person is present. Ld. Defence Counsel files and moves a petition (IA-01/2023) praying for bail on behalf of the said accused person. Ld. Defence Counsel submits that the accused person is innocent and that he will turn up before this court and face trial in accordance with law. Accordingly, Ld. Defence Counsels prays for bail on behalf of accused person. Ld. Assistant Public Prosecutor raises formal objection. Heard the submission of Ld. Counsel for both the sides and considered the same. Perused the materials on record. On perusal of the case record, it transpires that the accused person has been charged for a commission of offence which is triable by a Court of Judicial Magistrate and that is non-bailable in nature and at the same time it transpires from the case record that Final Report of Investigation in connection with this case has already been submitted and that in the inter gennum period, the accused was afforded protection u/s 438 of the Code of Criminal Procedure, 1973 by the Ld. Sessions Judge, South 24-Parganas, Alipore in connection with Criminal Misc Case No. 1117/2023. Accordingly, in consideration of the aforementioned facts and circumstances given the fact that anticipatory bail has already been granted to the accused person, this court finds merits in the prayer of the Defence. Accordingly, the bail petition is considered and allowed. In terms of order dated 20.03.2023 in connection with Criminal Misc Case No. 1117/2023, accused person is released upon furnishing bail bond of Rs. 5000/- with two registered sureties of Rs.2,500/- i.d. to J/C. 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) 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. <u>Bench Clerk-II to comply.</u> To 08.01.2024 for appearance of the accused person and framing of charge. Recall W/A. D & C by me, Municipal Magistrate, 3rd Court, Calcutta Later Bail bond is furnished on behalf of the accused person by surety namely The bail bond is found to be fit and is accordingly accepted. Release the accused person at once. Recall the W/A. D & C by me, Municipal Magistrate, 3rd Court, Calcutta	

