

Present:- Smt Leena Goldar
Additional Sessions Judge, Basirhat

02/29.10.2022

This is an application u/s 439 of the Cr.P.C filed on behalf of accused/petitioner Habibul Gazi @ Bapi in connection with Hasnabad P.S. Case No. 648/2021 dated 30.10.21 vide u/s 1 447/323/325/307/506/34 IPC , is taken up for hearing.

At the very outset, Learned Advocate for the accused/petitioner submits before this Court that no such application u/s 438 or 439 Cr.P.C is either pending and/or disposed of in the negative by the Hon'ble High Court or Supreme Court but he has filed an application for bail before the Hon'ble District Judge at Barasat, North 24 Parganas, but subsequently not pressed the petition.

Ld Advocate for the present accused/petitioner submits that the C.S has already been submitted in this case and the remaining two accused persons are already on bail . He further submits that out of the four injured persons one injured person is now dead and the remaining two injured persons including the de facto complainant are present today in the court and they have submitted before this court by affidavit that they have no objection if this accused be released on bail.

Ld. PP in charge submits that in this case C.S has already been submitted there fore he has no objection, if this accused be released on bail.

Perused the materials available in the LCR and the CD.

It appears from the LCR and CD that the present case was started on 30.10.2021 against the accused persons including this petitioner and on 30.06.2022 C.S has been submitted against the three accused persons including this petitioner u/s 447/323/325/307/506/34 IPC . Thus, it appears that investigation has already been completed in this case. Though it is not a compoundable offence but it is found from the materials on record that the injured persons and the de facto complainant has no objection, if the accused be released on bail. Having considered the fact that the investigation has already been completed I am of the view that the prayer for bail of the present petitioners may be allowed.

Hence, it is

-Ordered-

that the present accused/petitioner namely Habibul Gazi @ Bapi may find bail of Rs.10,000/- with two sureties of Rs.5,000/- each, subject to the satisfaction of Learned ACJM, Basirhat .

LCR along with a copy of order be sent to the Ld Court below at once. CD be returned also . The CrI Misc case is thus disposed of.

Dictated & corrected by me

Addl. Sessions Judge, Basirhat

Additional District & Sessions Judge
Basirhat, North 24 Parganas.

Addl. Sessions Judge, Basirhat

Additional District & Sessions Judge
Basirhat, North 24 Parganas.