

J.O Code : WB 00660

CMC 642/2022

**Present:- Smt Leena Goldar
Additional Sessions Judge, Basirhat**

02/09.11.2022

This is an application u/s 439 of the Cr.P.C filed on behalf of accused/petitioner Ashraful Gazi , Nur Ahammad Mondal @ Babua and Sariful Gazi in connection with Basirhat P.S. Case No. 720/2022 dated 24.10.22 vide u/s 399/402 IPC 25/ 27 Arms Act is taken up for hearing.

At the very outset, Learned Advocate for the accused/petitioners 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.

Ld Advocate for the present accused/petitioners submits that the petitioners have been falsely implicated in this case and they are in custody since 24.10.2022 .Therefore the accused/petitioners may be released on bail.

Ld. P.P -in -charge does not oppose the bail prayer of the present accused/petitioner and left the matter to the discretion of the Court .

Perused the materials available in the LCR and the CD.

It is a case u/s 399/402 IPC 25/ 27 Arms Act and it appears from the LCR and CD that the accused/petitioners are in custody since 24.10.2022 .Seizure has already been made . Further detention of this accuseds /petitioners will serve no fruitful purpose to this case.

Hence, it is

-Ordered-

that the present accused/petitioners namely Ashraful Gazi , Nur Ahammad Mondal @ Babua and Sariful Gazi may each find bail of Rs.6000/- with two sureties of Rs.3,000/- each, out of whom one must be local, 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 Crl Misc case is thus disposed of.

Dictated & corrected by me

Addl. Sessions Judge,Basirhat

Addl. Sessions Judge,Basirhat

