

In the Court of Ld Additional Sessions Judge, Diamond Harbour, South 24 Parganas
CMC 124 of 2026
arising out of Falta PS Case No 217 of 2024
GR No 2466 of 2024
u/s 310(4)/ 310(5) of BNS, 2023 & 25/27 of the Arms Act
State Vs 1. Somnath Sardar
2. Prosenjit Sardar

Order No 2
11/03/2026

Today is fixed for hearing on the bail petition u/s 483 BNS filed on behalf of the accused persons namely Somnath Sardar and Prosenjit Sardar.

Ld Advocate for the accused/petitioner and the Ld. PP in charge both are present.

Record is taken up for hearing.

Heard Both sides.

CD produced.

At the very beginning Ld Advocate for the above-named accused persons/petitioners submitted that no bail application is either filed or pending before any higher forum and that the accused persons are in custody since 01.03.2026 which is a considerable period having regard to the nature of the offence. It is submitted that the complicity of the accused persons in this case is suspicious inasmuch as there was neither any recovery from the accused persons nor are they named in the FIR and as such the court may grant bail to the accused persons on any condition as would be deemed fit and proper.

By raising formal objection Ld PP in charge left the matter with the discretion of the court.

As a matter of fact this is a case u/s 310(4)/ 310(5) of BNS, 2023 & 25/27 of the Arms Act in which investigation has not yet been completed though the CD reveals no sufficient material material against the accused persons in support the accusation. The record further reveals that the accused persons are neither named in the FIR nor has anything been recovered from their custody. Yet, the IO did not find it necessary to take the accused persons in PC after their arrest for custodial interrogation. Therefore, the complicity of the accused persons with this case is doubtful and under such circumstances I find no justification in further detention of the accused persons.

Hence, it is,

Ordered

that the application u/s 483 BNSS registered as CMC No 124/2026 is hereby allowed and accordingly disposed of.

The accused persons/petitioners may find an interim bail of Rs.3,000/- each with two sureties of Rs.1,500/- each out of which one must be local/cash subject to the satisfaction of Ld. ACJM, Diamond Harbour with further condition that they shall appear before the Court of Ld. ACJM, Diamond Harbour on each and every date and shall meet the IO once in a fortnight till submission of charge sheet, and shall not tamper the prosecution evidence and shall not intimidate the witnesses under any circumstances and shall comply with the provision of section 480 (3) of BNSS.

The interim bail shall remain in force till 16.04.2026.

Ld. ACJM, Diamond Harbour shall be at liberty to extend or confirm the interim bail and shall further be at liberty to modify any condition of the interim bail depending all the overall conduct of the accused persons.

Return the CD.

Let a copy of this order along with LCR be sent back to Ld. ACJM at Diamond Harbour for information and necessary action.

Dictated and corrected by me:

Sd/-

Dhiman Barman (WB00923)
Additional Sessions Judge(I.C)
Diamond Harbour, S. 24 Parganas

Sd/-

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Additional Sessions Judge(I.C)
Diamond Harbour, S. 24 Parganas