

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (A) 822 of 2024

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Rajganj Police Station** Case No. **225 of 2024** dated **22.06.2024** under Sections **341/323/326/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Soleman Haque @ Saleman Haque @ Saleman Mohammad & Ors.

.... Petitioners.

Mr. Arijit Ghosh,

... For the Petitioners.

Mr. Saikat Chatterjee,

Mr. Chattu Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The allegations against the petitioners are attempted murder and causing grievous bodily harm. The petitioners say that investigation is complete. Charge sheet has been submitted. They may be granted anticipatory bail. In any event, they have been falsely implicated.

2. Opposing the prayer for bail, learned State Advocate draws our attention to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure. He vividly describes the alleged incident and names all the three petitioners. However, from his statement it appears that the petitioner no. 2 is the prime assailant who inflicted injury on the body of the victim with a 'daw'. The medical report shows that the injury was grievous.

3. Considering that the petitioner no. 2 appears to be prime assailant, we are not inclined to allow his prayer for anticipatory

bail. The prayer for anticipatory bail of the petitioner no. 2 stands rejected.

4. In so far as the other two petitioners are concerned, on an overall assessment of the material on record and considering that charge sheet has been submitted upon completion of investigation, we are inclined to allow their prayer for anticipatory bail.

5. Accordingly, in the event of arrest, the petitioner nos.1 and 3, namely **Soleman Haque @ Saleman Haque @ Saleman Mohammad and Manirul Hoque @ Manirul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner nos.1 and 3 shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders.

6. In case the petitioner nos.1 and 3 fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail is allowed in so far as the petitioner nos. 1 and 3 are concerned.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)