

04.04.2025
Item no. 16.
Court No.1.
S.De
(Allowed)

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

CRM (A) 197 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Banarhat Police Station Case No.34 of 2025 Dated 04.02.2025 under Sections 329(4)/118(1)/117(2)/118(2)/109/74/3(5) of the B.N.S., 2023.

And

**In the matter of : Maphijul Islam @ Hoque @ Mafijul Haque &
Anr. ...Petitioners.**

Mr. Biswaru Roy,
Ms. Supriya Debnath,for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Aniruddha Biswas,for the State.

1. The petitioners say that the incident involves free fight between the family members. They had no intention to cause any injury to anybody. They are prepared to co-operate with the investigating officer. They pray for pre-arrest bail.
2. Learned State counsel strongly opposes the prayer. He draws my attention to the injury report and the C.T. Scan report. From the injury report, it appears that the injury is not grievous. However, there appears to be some head injury.
3. On an overall assessment of the nature and gravity of the alleged offence and seeing that chargesheet has

already been filed, I am of the view that immediate custodial detention of the petitioners may not be necessary, so long as they co-operate with the police authorities.

4. Accordingly, in the event of arrest, the petitioners, namely, **Maphijul Islam @ Hoque @ Mafijul Haque** and **Majibul Islam @ Majibul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that the petitioners shall meet the Officer-in-Charge/Inspector-in-Charge of the Banarhat Police Station once in a fortnight until further orders. Within seven days from date, the petitioners shall go and meet the Officer-in-Charge/Inspector-in-Charge of the said police station.
5. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

6. The application for anticipatory bail, being CRM (A) 197 of 2025, stands disposed of.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)