

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

CRM (DB) 207 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Mekhliganj Police Station** Case No. **12 of 2025** dated **10.01.2025** under Sections **121(1)/132/221/223/224/263/74/115(2)/118(1)/117(2)/109/3(5)** of the BNSS and Section 3 of the Prevention of Damage to Public Property Act.

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In the matter of : Enamul Haque @ Anarul Islam @ Enamul Hoque @ Anamul Haque

.... Petitioner.

Mr. Biswarup Roy,
Ms. Supriya Debnath,

... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das,

... For the State.

1. Learned Advocate for the petitioner and learned State Advocate are present.
2. Heard Learned Counsel for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that the petitioner is in custody for 87 days and the charge sheet has not been submitted and the co-accused persons are on bail. He claims parity.
4. Learned State Advocate opposes the bail prayer and submits that the petitioner is the principal accused and it is on the basis of his instigation the local people gathered and assaulted the police personnel.

5. Upon perusal of the materials on record and the injury report it appears that the injury is simple. However, with regard to other materials in the case diary, this Court is of the view that considering the stage of the investigation and the period of detention and the fact that co-accused persons are on bail, in the interest of justice the petitioner should be granted bail.

6. I, therefore, allow the prayer for bail made by the petitioner.

7. Accordingly, I direct that the petitioner, namely, **Enamul Haque @ Anarul Islam @ Enamul Hoque @ Anamul 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 Learned A.C.J.M, Mekhliganj subject to condition that he shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of Cr. P.C., 1973/Section 355 of the BNSS, 2023 and shall not intimidate the witnesses or tamper evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the learned Trial Court and shall meet the O.C./I.C. of the said police station twice in a week and shall not meet the witnesses and the persons acquainted with the facts of the case.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

9. The application for bail is, accordingly, allowed.

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

(Biswaroop Chowdhury, J.)