

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**13.06.2025.
05.
Ct.No.04.
as
(Allowed)**

C.R.M. (M) 103 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mekhliganj P.S. Case No.12 of 2024 dated 11.01.2024 under Sections 447/448/323/325/354/427/506/307/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code corresponding to G.R. Case No.23 of 2024.

In the matter of : **Altab Hossain @ Altaf Hossain & Anr.**

.... Petitioners.

Mr. Biwarup Roy.

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Aniruddha Biswas.

...for the State.

1. This application has been preferred under Section 439 of the Code of Criminal Procedure, 1973 (in short, CrPC) corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Mekhliganj P.S. Case No.12 of 2024 dated 11.01.2024 under Sections 447/448/323/325/354/427/506/307/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code corresponding to G.R. Case No.23 of 2024.

2. Mr. Roy, the learned advocate appearing on behalf of the petitioners, submits that the petitioners have been in custody since January 2024. Mr. Roy also submits that the alleged incident arose out of a free fight between two groups, in connection with which both a case and a counter-case have been registered. He contends that the charge sheet has already been filed. Therefore, according to him,

continued detention of the petitioners would serve no useful purpose at this stage.

3. Mr. Biswas, learned advocate representing the State, produces the case diary. Based on the materials available in the case diary, he opposes the prayer for bail.

4. Heard the learned Advocates appearing for the respective parties and perused the materials on record including the case diary.

5. Admittedly, in the present case, the charge sheet has already been submitted. It prima facie appears that the incident arose out of a free fight between two groups, leading to the registration of both a case and a counter-case. The petitioners have been in custody for over one year and six months. Considering these facts, I am of the view that their continued detention will not serve any useful purpose.

6. In view of the above, the petitioners, viz., 1) Altab Hossain @ Altab Hossain and 2) Md. Ajijul Sarkar @ Sipai @ Azizul Haque Sarkar, may find bail of Rs. 10,000/- each, with two sureties of Rs. 5,000/- each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar, subject to the condition that they shall not leave the territorial jurisdiction of Additional Sessions Judge, Mekhliganj without leave of the Court of the learned Additional Chief Judicial Magistrate, Mekhliganj before the case is committed commitment, or of the learned Trial Court after the commitment, and shall appear before the trial court on every date of hearing unless their attendance is dispensed with in accordance with law and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law, without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)