

27.04.2026
Item no.08.
Court No.5.
(Samar)
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A) 229 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973, Corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Haldibari Police Station Case No. 34 of 2026 dated 27.02.2026 under Sections 126(2)/329(3)/117(2)/118(2)/109/351(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Prabhash Mandal

.....Petitioner.

Mr. Alok Bhoumik,
Mr. Subham Chanda,
.....for the Petitioners.

Mr. Abhijit Sarkar,
Mr. Chinmoy Roy,,
.....for the State.

Mr. Pritam Roy,

Mr. Bhoumik, learned Advocate appearing for the petitioner, submits that the victim had attempted to develop a relationship with the wife of the accused person, and that a free fight ensued between the accused person and the complainant on that issue. He submits that in the said incident the victim allegedly sustained injuries; however, the actual incident does not support the version sought to be projected by the complainant to implicate the present petitioner. He further submits that, in such circumstances, it would not be appropriate to compel the accused person to languish in jail custody.

Mr. Sarkar, learned Advocate appearing for the State, produces the case diary and opposes the prayer for anticipatory bail on the basis of the materials available therein.

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

In the injury report as produced on behalf of the prosecution, it appears that the victim allegedly suffered injuries resulting in soft tissue swelling and subcutaneous emphysema. The learned Public Prosecutor submits that this condition indicates accumulation of air and gas under the skin, often in the chest or neck region, causing swelling.

Having noted the submissions made on behalf of the respective parties and upon perusal of the materials on record, including the injury report, and upon further consideration of the facts and circumstances of the case, I am of the view that custodial interrogation of the petitioner is not necessary.

Accordingly, it is directed that, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of Rs. 5,000/- (Rupees Five Thousand only) each, to the satisfaction of the learned ACJM, Mekhliganj, subject to the conditions laid down under Section 482(2) of the BNSS.

The application being CRM (A) 229 of 2026 is **allowed**.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities

(Partha Sarathi Chatterjee, J.)