

28.04.2026

Item no.09.

Court No.5.

Suman

(Allowed)

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

CRM (A) 254 of 2026

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 Haldibari Police Station Case No.30 of 2026 dated 17.02.2026 under Sections 329(4)/126(2)/115(2)/117(2)/303(2)/109/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 corresponding to G.R. Case No.73 of 2026 pending before the Court of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar.

And

**In the matter of : Chhapikul Haque @ Chhapikul Sarkar @
Alam @Saphikul Sarkar @ Alom and Anr.**

.....Petitioners

Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Ms. B. Ghosh
..for the Petitioners

Mr. Bhaskar Das
Mr. Dhiman Sil
..for the State

Let the supplementary affidavit filed on behalf of the petitioners be taken on record.

Mr. Paul, learned advocate appearing for the petitioners submits that following a dispute over a business transaction the incident allegedly occurred. He submits that the co-accused persons are on bail.

Referring to the order passed by the Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar he submits that the nature of the injury is not serious. He submits that in the said circumstances, it would not be apposite to compel the present petitioners to languish in jail custody.

Mr. Das, learned advocate appearing for the State produces the case diary and opposes the prayer for bail based on the allegations available in the case diary.

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

Considering the nature of the injury, as reflected from the medical documents as available in the case diary and upon further consideration that the incident allegedly occurred in presence of direct evidence, I am of the view that custodial interrogation of the present petitioners is not necessary.

In view of the above, the application being **CRM (A) 254 of 2026** is **allowed**.

It is ordered that in the event of arrest, each of the petitioners 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, one of whom must be local, to the satisfaction of Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar, subject to the condition that they shall meet the Investigating Officer once in a week until further order and subject to the conditions as laid down under Section 482(2) of the BNSS corresponding to 438 (2) of the Cr.P.C.

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.)