

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

3.07.2026
Ct No.5
Item No.6
S.K.

CRM (A) 396 of 2026

In Re:- An application under Section 482 of the Bharatiya Nagarik
Suraksha Sanhita, 2023

And

In Re: **Hamidul Haque**

..... Petitioner

Mr. Sourav Ganguly
Ms. Rishita Chakraborty

....For the Petitioner

Mr. Avrojoyti Das, ld. APP
Mr. Debabrata Rai

.....For the State

1. The petitioner is an accused person in connection with Falakata Police Station Case No. 278 of 2026 dated 05.05.2026 under Sections 126(2)/115(2)/118(2)/109/351(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 against the petitioner, the allegation has been leveled of infliction sharp cut injury in the hand of the victim.
2. Mr. Ganguly, learned advocate appears for the petitioner. He indicates that there was a free fight amongst the groups of people; case and counter case were lodged within a gap of fifteen minutes by the members of the respective groups concerning the incident of fight.
3. He has further referred to the fact that injury, if any, is not at in vital part of the body of the victim and further that the

petitioner's name does not transpire in the injury report as the assailant.

4. Objection by the State is based on conduct of the present petitioner as the petitioner has been absconding till date whereas the other accused persons in the case have voluntarily surrendered before the trial court and obtained bail.
5. It is further submitted that in view of the petitioner's role as attributed in the FIR, the bail prayer is rejected by the learned trial court.
6. Having heard the learned advocates for the respective parties and perusal of the materials on record and CD. It is found that the injury of the victim has not been any vital part of the body. Also that the injury report has not been specifically mentioned about the present petitioner to be the assailant causing the injury.
7. It is notable that case and counter case arose concerning an incident of mutual fighting between the two groups of people, materials in support of which are on record.
8. Considering all as above, the petitioner's bail prayer is allowed.
9. In the event of arrest the petitioner shall be granted bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar in connection with Falakata Police Station Case No. 278 of 2026. The petitioner shall comply with the condition under Section 482(2) of the BNSS, 2023 and shall cooperate with investigation in all

possible way. He shall not intimidate witnesses in any manner and shall not tamper with the evidence of the case in any manner whatsoever.

10. C.D be returned

(Rai Chattopadhyay, J.)