

21.12.2021  
SL No.18  
Court No.1  
AJ/SM

***Circuit Bench of Calcutta High Court  
At Jalpaiguri***

**CRM 1209 of 2021  
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Tofanganj Police Station Case No.618 of 2021 dated 26.09.2021 under Sections 143/341/325/326/307/506 and added Section 302 of the Indian Penal Code, 1860.

And

In the matter of : **Faruk Mandal.**

... .petitioner.

Mr. Surajit Basu,  
Mr. Debojit Kundu,  
Mr. Ratan Chandra Roy,  
Mrs. Ranu Mondal.

... For the Petitioner.

Mr. Ujjwal Luksom,  
Mr. Tapan Chakraborty.

... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and he is innocent. It is also submitted that on the date of incident he was working in the school and it was duly certified by the headmaster of the said school. It is further submitted that the instant case is a counterblast of the Tofanganj Police Station case lodged by Chabiran Bibi, wife of Suratjamal Seikh.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and he draws the attention of the

statement recorded under Section 164 of the Code of Criminal Procedure of two of the witnesses.

Having considered the materials available in the case diary and bearing in mind the nature and extent of the complicity of the petitioner in the commission of the alleged offence and also on consideration that the charges leveled against the petitioner is omnibus in nature and direct involvement of the petitioner in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner is not required.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Faruk Mandal** shall be released on anticipatory 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not leave the jurisdiction of the Tofanganj Police Station without the express leave of the Investigating Officer and on a further condition that the petitioner shall meet the Investigating Officer once in a week until further orders.

This order shall valid for a period of eight weeks from date within which the petitioner shall obtain regular bail from the trial Court.

The application for anticipatory bail, being CRM No.1209 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Biswajit Basu, J.)**

**(Soumen Sen, J.)**