

21.08.2024
Court No.1
Item No.11
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 534 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mathabganga** P.S. Case No.**305 of 2023** dated **16.06.2023** under Sections **341/328/307/34** of the Indian Penal Code.

And

In the matter of: **Faruk Jamal and Ors.**

....Petitioners.

Mr. Subhasish Misra

Mr. Satyajit Paul

...for the petitioners.

Mr. Tapan Bhattacharjee

Mr. Dhiman Sil

...for the State.

1. The application for anticipatory bail is canvassed on the ground that the subject matter of the FIR is purely civil in nature and the allegation of poisoning is ex facie not established from the report of the medical document.

2. Having regard to the facts and circumstances of the case, it appears from the records that the statement of the complainant and the alleged victim has not yet been recorded by the police despite a lapse of more than a year.

3. In the above circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the investigating officer as and when required and on further condition that the petitioners shall cooperate with the investigation.

5. The application for anticipatory bail is, thus, allowed.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)