

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

26.08.2019
tkm/ct 1
sl no. 35

C.R.M. 699 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.8.2019 in connection with Rajganj P.S case no. 176 of 2019 dated 16.6.2019 under sections 143/323/448/325/326/354/307/435/379 of the IPC
And

Allowed

In Re : Tapan Das & Ors petitioners

Mr. G Ghosh

..... for the petitioners

Mr. A. S. Chakraborty

Mr. U. Luksom

..... for the State

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case out of political rivalry.

Learned lawyer for the State submits that the petitioners were members of an unlawful assembly who indiscriminately assaulted the victim resulting in grievous injuries.

We have considered the materials on record. Although names of the petitioners were cited in the FIR, none of the petitioners had been named as assailants in the statements of witnesses recorded under section 161 Cr.P.C. In the absence of corroborative materials and bearing in mind the likelihood of false implication due to political rivalry as submitted by the petitioners, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, 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 once in a week while on bail until further orders and that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 699 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)