

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

27.08.2019  
tkm/ct 1  
sl no. 43

**C.R.M. 756 of 2019**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.8.2019 in connection with Darjeeling Sadar P.S case no. 110 of 2019 dated 29.5.2019 under sections 448/186/353/354/326/506/120B of the IPC read with sections 25/27 of the Arms Act

And

**Allowed**

In Re : Noman Rai & Ors.

..... petitioners

Mr.Y. J. Dastoor, Sr. Adv.  
Mr. A. Bhandari  
Mr. U. Lama  
Mr. P. Rai

..... for the petitioner

Mr. A. S. Chakraborty  
Mr. S. Ganguly

..... for the State

It is submitted on behalf of the petitioners that they were the elected members of the Darjeeling Municipality and they have been falsely implicated in the instant case due to political rivalry.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners had brutally assaulted the victim.

We have considered the materials on record including the injury report of the victim which does not support the statements of the ocular witnesses. No doubt some clarifications are offered by the medical officer at page 33 of the case diary. The impact of the aforesaid dichotomy in the evidence collected during investigation may be assessed at the appropriate stage of proceeding.

Keeping in mind the facts and circumstances of the case , we are of the opinion that custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

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 that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 756 of 2019 is disposed of.

**(Manojit Mandal, J.)**

**(Joymalya Bagchi, J.)**