

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

12.12.2023.
17/tkm

C.R.M. (A) 984 of 2023

In Re : An application for anticipatory bail under section 438 of the
Code of Criminal Procedure in connection with Darjeeling Sadar P.S
case no. 105 of 2023 dated 29.11.2023 under section 505(2)/506 IPC
And

Allowed

In Re : Srimanta Pal & Anr.

.....petitioners

Mr. S Chowdhury
Mr. Rajesh Kr. Sharma
Mr. J Periwai
Mr. B Sharma

...for the Petitioners

Mr. A S Chakraborty, Id APP
Mr. Biswarup Roy

...for the State

1. Petitioners submit after the loss of India to Australia in the ICC World Cup Final they had uploaded a post in a social media platform stating that Bangladeshi nationals shall not be permitted as customers in his hotel. Thereafter they have been implicated in a series of cases. Allegation of criminal intimidation is out and out false.

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. We have considered the material on record. It is alleged that the petitioners had threatened the complainant over telephone. Neither the nature of accusation nor the fact that threat over telephone makes apprehension of breach of peace imminent.

4. Under such circumstances and in view of the nature of investigation, we are of the opinion custodial

interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

5. 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.

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

7. The application being CRM (A) 984 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)