GAHC040004372024

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : BA/37/2024

Shimtharnang Keishing
Son of Shri Kumar Keishing a permanent resident of Nambashi Khullen, PO Yaripok, PS Kassom, Kamjong District, Manipur present address C/o Spring Dale English School, 5/1 Banderdewa, PO and PS Banderdewa, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP

Advocate for the Petitioner : Nending Kago

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 01.04.2024

Heard Mr. N. Kago, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application filed under Section 439 of Cr.P.C, 1973, praying for granting of regular bail to the accused person, namely, **Miss Pamshangla Vashum,** who has been arrested in connection with DMK P.S. Case No. 13/2024 under Sections 302/34 IPC.

3. The case of the petitioner is that one Shri Nabam Vishnu Hina lodged a written FIR before the Officer-In-Charge, Police Station Doimukh on 02.03.2024 against the principal, hostel warden, care taker and 2 girls of Rising Star International School Emchi, inter-alia alleging the murder of his daughter inside the hostel. The informant alleged that on 01.03.2024 at about 10:13 PM, the principal of Rising Star International School Emchi called him and informed that his daughter is under conscious condition on which he told him to immediately take his daughter to nearby hospital. Thereafter, he along with his sister-in-law rushed towards the school at Emchi. And on the way they saw the school bus and stopped and found his daughter already dead. The death of his daughter was confirmed by the Doctor of the school and the TRIHMS, Naharlagun.

4. Basing on the above FIR, the police have registered the above P.S Case and arrested the accused on 03.03.2024 and since then the accused is under the custody.

5. The learned counsel for the petitioner submits that the petitioner is working in the school, she is innocent of the allegation and no way connected in the alleged incident. The incident took place between the students in the hostel

after 9:00 PM, whereafter, the electricity connection of the hostel remained switched off. Under such situation, there was a scuffle between the girl students where the deceased had received injury due to which she succumbed to her injuries. The learned counsel for the petitioner further submits that from the school authorities side they have immediately attended on receipt of the report of the incident and made all efforts to save the life of the deceased. And without wasting time, they had immediately reported the matter to the parent of the victim. As such, there was no any negligence on the part of the school authority. However, basing on the statement of the informant that there was some negligence on the part of the school authorities the accused person has been arrested by the police. He further submits that the accused is a woman having family and she is ready to co-operate with the Investigation of the case, furnish bail and abide by any condition imposed for her release.

6. The learned Additional Public Prosecutor has produced the Case Diary of the above P.S. Case and I have perused the same.

7. Apart from the contention that the accused persons being from outside the State there is a likelihood of her jumping bail and influence the other students who are material witness to the incident, there is nothing on record to show that the arrested accused is involved in the commission of the alleged offence.

8. Ms. T. Jini, learned Additional Public Prosecutor fairly submits that there is

no any incriminating material found against the accused for her involvement in the commission of the alleged crime. Under the circumstances, she only submits that if the bail is granted to the alleged accused, a strict condition may be imposed upon her to ensure her appearance before the Investigating Agency for investigation and appear before the Court for trial.

9. On perusal of the Case Diary, it appears that on the incident evening a scuffle took place between the girl students of the said hostel, involved with 3(three) girls (all minor). Those girls are alleged to have assaulted the deceased due to which she received injury and succumbed to her injury. The 3 girls (all Juvenile in conflict with law) have been arrested by the police and now have been kept in the Juvenile home at Pasighat. However, as per the record, no any incriminating materials has been found against the arrested accused for her involvement in the commission of the alleged offence.

10. Upon consideration of the record and hearing the parties, and also considering that the custodial interrogation of the accused is no more required by the police, and I am of the considered opinion that the accused can be granted bail on certain conditions to ensure her appearance before the Investigating Officer and the Court.

11. Accordingly, this bail application is allowed. The arrested accused, namely, **Miss Pamshangla Vashum,** is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Rupees Ten thousand) only with one surety of like

amount to the satisfaction of the **learned Chief Judicial Magistrate, Yupia** subject to the following conditions: -

i) That the accused shall cooperate with the IO of the case for investigation of the case and shall not leave the jurisdiction of the Papum Pare District without prior permission to the Investigating Officer of the Case till the completion of the investigation of the Case.

ii) That the accused shall not directly or indirectly make any inducement, threat or promise to any persons including the students of Rising Star International School Emchi, who are acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court.

iii) That the accused shall regularly appear for trial of the case.

12. In terms of above, this bail application stands allowed and disposed of.

Return the CD.

JUDGE

Comparing Assistant