

26.06.2019.
Item No.8
(Allowed)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 215 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.04.2019 in connection with Darjeeling Sadar Police Station Case No. 115 of 2017 dated 09.06.2017 (G.R. Case No. 229 of 2017) for commission of offence punishable under Sections 147/148/149/153/153A/186/189/323/324/325/326/307/332/333/353/427/436/505/506/120B of the Indian Penal Code read with Sections 8/915A/15B of the W.B.M.P.O. Act; Sections 3/4 of the Indian Explosives Act and Sections 25/27 of the Arms Act;

And

In the matter of : Miss Urmila Rumba.

... petitioner.

Mr. Y. J. Dastoor,
Mr. Phiroze Edulji,
Mr. Urgan Lama.

...For the petitioner.

Mr. Saswata Gopal Mukhrjee, ld. PP,
Mr. Arun Kumar Sarkar.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

It is submitted on behalf of the petitioner that she is an Ex-Associate Professor in a well reputed college, namely, Southfield College, previously known as Loreto College, in the town of Darjeeling. It is further submitted that because of the political differences she has been implicated in the instant case being an active member of a political party. It is also submitted that two of such co-accused have already been

enlarged on anticipatory bail in connection with the instant case by this Court and, therefore, the petitioner, who stands on the same footing, should also be extended such immunity in the event of arrest.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor, vehemently and arduously opposes the application for anticipatory bail. According to him, there is a direct nexus and involvement of the petitioner in not only causing damage of public properties but also several police personnel were injured. According to him, two independent witnesses have named the petitioner in the statement recorded under Section 161 of the Code of Criminal Procedure and her complicity to the alleged offence cannot be ruled out.

We consider the materials on record and also the statement of the other witnesses recorded under Section 161 of the Code of Criminal Procedure apart from the two witnesses, which is relied on by the State and we notice that the petitioner stands on the same pedestal as that of the other co-accused, namely, Smt. Bidya Giri @ Mini.

The extent of complicity to the alleged offence and the overt act shown against her may not rule out the possibility of false implication. The investigation is otherwise complete.

In view of the above, we are inclined to grant anticipatory bail to the petitioner subject, however, to some stringent conditions, as, according to the learned Public Prosecutor, there is every possibility that the petitioner may win over and influence the material witnesses to be cited by the prosecution at the trial.

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 Rs 5,000/-, 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 with further condition that the petitioner while on bail shall not leave the

jurisdiction of the Darjeeling Sadar Police Station except under an order of the Court, if there be any and shall secure her presence before the Court below for regular bail within fortnight from date and also she shall meet the Inspector in-Charge of the said Police Station on every alternate day.

This application for anticipatory bail is, thus, **allowed**.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)