

19.08.19
Sl. No.3
akd
Ct. No. 1
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 597 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.07.2019 in connection with Darjeeling Sadar Police Station Case No. 152 of 2017 dated 08.07.2017 under Sections 147/148/149/323/324/325/326/333/353/307/427/436/120B of the Indian Penal Code read with Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 read with Sections 8/9/15A/15B of the West Bengal Maintenance of Public Order Act, 1972. (G.R. Case No.285 of 2017)

And

In Re: ***Ram Prasad Waiba***

... .. Petitioner

Mr. Y. J. Dastoor .. Sr. Advocate

Mr. Anand Bhandari .. Advocate

Mr. Urben Lama .. Advocate

Mr. Pantu Rai .. Advocate

... .. for the petitioner

Mr. Arun Kumar Sarkar .. Advocate

Mr. Abhijit Sarkar .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 147/148/149/323/324/325/326/333/353/307/427/436/120B of the Indian Penal Code read with Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 read with Sections 8/9/15A/15B of the West Bengal Maintenance of Public Order Act, 1972.

It is submitted on behalf of the petitioner that he is in custody for about 65 days and that he has been falsely implicated in the instant case. It is further submitted that police indiscriminately fired at the

petitioner and his associates resulting in death of a number of persons. In retaliation, the instant case has been foisted upon the petitioner and others.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner took active part in the rioting causing damage to public property.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission that there was indiscriminate firing from policemen resulting in the death of some persons, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Ram Prasad Waiba**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Darjeeling subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall not leave the jurisdiction of Darjeeling Sadar division until further orders except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge, Darjeeling Sadar Police Station once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)