

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

22.08.2019

tkm/ct 1

sl no. 161

C.R.M. 721 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 20.8.2019 in connection with Darjeeling Sadar P.S case no. 127 of 2017 dated 17.6.2017 under sections 147/148/149/323/324/326/333/353/436/427/307/302 of the IPC read with sections 3/4 of the prevention of Damage to Pubic Property Act read with section 8/9/15A/15B of the West Bengal Maintenance of Pubic Order Act 1972 read with sections 25/27/35 of the Arms Act

And

Allowed

In Re : Urmila Rumba

..... petitioner

Mr. Y. J. dastoor, Sr. Adv.

Mr. A. Bhandari

Mr. U. Lama

Mr. P. Rai

..... for the petitioner

Mr. N. Chakraborty

Mr. Saikat chatterjee

..... for the State

It is submitted on behalf of the petitioner that she is a retired associate professor of a prominent college and has been falsely implicated in the instant case due to her political ideology. It is further submitted though the petitioner has been cited as an accused in the FIR, no overt act with regard to assault on police personnel or others have been attributed to the petitioner.

It is also strenuously argued supporters of the political party of the petitioner had died in the course of skirmish due to police firing and petitioner has been falsely implicated therein.

Learned lawyer for the State strongly opposes the prayer for anticipatory bail and submits that the petitioner was a prominent leader of the political party and had instigated antisocial elements

to cause mayhem including murder of innocent persons. It is further submitted that the petitioner is involved in a series of cases.

We have considered the materials on record. It is unclear whether the unfortunate deaths which occurred in the course of political turmoil which was prevailing in the district is attributable to the petitioner and her associates at all. On the other hand, it has been strenuously argued that it was the supporters of the political party of the petitioner who had died in the course of confrontation between the police and themselves.

With regard to the allegations of assault on police personnel and damage to public property, although it appears there are certain bald allegations of instigation at the behest of the petitioner, no overt exhortation made by the petitioner nor any specific role on her part with regard to the assault has been disclosed by the witnesses. Moreover, in view of the sharp political divide prevailing in the district at the time of the incident, possibility of false implication of the petitioner in the instant case cannot be wholly ruled out.

In view of the aforesaid facts and circumstances of the case, we are inclined to grant pre-arrest bail to the petitioner, however, subject to strict conditions.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 on further condition that the petitioner shall not leave the district of Darjeeling except for the purpose of investigation and attending the court proceedings until further orders.

The application being CRM 721 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)