

31.08.2021
Ct. No.8
S/L No.1
KS

(Via Video Conference)
W.P.A. 11091 of 2021
Mithu Ray (Satpathi)
-Vs.-
The State of West Bengal & Ors.

Ms. Sumita Sarkar
Mr. Praloy Bhattacharjee
.....For the Petitioner
Mr. Wasim Ahmed
Sk. Md. Masud
.....For the State
Mr. Santanu Maji
Ms. Payel Shome
.....For the Private Respondents

The writ application is taken up for consideration upon hearing Ms. Sumita Sarkar, learned counsel for the petitioner and Sk. Md. Masud, learned counsel for the State. I have also heard Mr. Santanu Maji, learned counsel for the respondent nos.6 to 14.

It is submitted on behalf of the petitioner that the petitioner has complied with direction vide order dated 24.08.2021 and the C.D. has already been handed over to the State official.

The background facts leading to the instant writ application is that after the Assembly Election of West Bengal was declared, the private respondent nos.6 to 14 alongwith their men and agents started to hold threat on the petitioner and her family

members and they damaged the private property of the petitioner. She lodged several complaints to the respondent authorities seeking protection of her and husband's life and property. She lodged complaint to the Superintendent of Police, Diamond Harbour Police District and the Officer in Charge of Bishnupur Police Station on 17.05.2021 ventilating her grievances that on 04.05.2021 at about 22.56 hours the private respondents attacked the petitioner and her husband alongwith 10 goons who were unknown suspects came with wooden sticks, iron rods, brick pieces and assaulted the petitioner and her husband. She was humiliated and abused by the private respondents by using filthy languages and started to throw brick pieces towards her house causing damage to the window glasses and tried to break door with iron rod and wooden sticks damaging the main door. The petitioner and her husband were afraid to go outside somehow they have hidden themselves inside the home. It is pertinent to mention that entire incident was recorded in the CCTV Surveillance placed in front of the petitioner's house.

Learned counsel appearing for the petitioner adverts my attention at page 18 of the writ application to submit that the petitioner had complained before the Superintendent of Police, Diamond Harbour Police District on June 5, 2021 with regard to ransacking at the premises situated at village - Nowabad, P.O.

Raspunja, P.S. Bishnupur, 24 Parganas South alleging threat on the petitioner and her family with dire consequences. It is also pointed out that the petitioner had CCTV surveillance in their house and the entire incident was recorded and has already been handed over to the State police authority for its scrutiny and further investigation into the matter.

Learned counsel for the State submits that based on the complaint of the petitioner, Bishnupur Police Station Case No.415 of 2021 dated 10.07.2021 was started against the miscreants and as many as eight accused persons have been granted bail.

It is also pointed out by learned counsel for the petitioner that the accused persons released on bail and now holding out threat on the petitioner. In a situation like this the de facto complainant the writ petitioner is at liberty to prefer application for cancellation of bail under the provision of the Criminal Procedure Code. Be that as it may, the de facto complainant, since has as alleged, threat with dire consequences held out by the accused persons, the state respondents in particular, the Superintendent of Police is directed to ensure adequate police protection of the life and property of the petitioner and her family members.

With the above direction, the writ application being, W.P.A. 11091 of 2021 is disposed of. No order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Shivakant Prasad, J.)