

16.03.2022
Court No.13
Item No.6
AP

WPA 1602 of 2022

**Sanawar Hossain and Ors.
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Debasish Ghosh
Mr. Subhajit Roy

... For the Petitioners.

Mr. Amitesh Banerjee, Senior Advocate
Mr. Suddhadev Adak

... For the State.

The petitioners are aggrieved by an ongoing trial. The writ petitioners are accused in Charge Sheet No.268/17 dated 10.10.2017 under Sections 147/148/149/307/302/506 of the Indian Penal Code and Sections 25/27 of the Arms Act. The trial is at an advanced stage before the Learned Sessions Judge, Alipore. Petitioners are on bail and are defending themselves in the trial. The petitioners and their family members wish to return to their residence.

The prayer is rather innocuous. However, counsel for the State expresses apprehension at the petitioners residing in the said locality which has huge amount of resentment towards them. A law and order problem is apprehended.

This Court is of the view that the petitioners primarily appear to have a right to reside in their own premises since they are on bail.

However, as to whether the petitioners shall tamper with the evidence or not and/or are capable of doing so given the fact that the trial has commenced, this Court is of the view that the matter should be addressed by the learned Sessions Judge, Alipore before whom the trial is pending.

In that view of the matter, upon an application made by the petitioners and/or their family members, let the Trial Judge consider and dispose of the petitioners' application for permission to return to their residence and live thereat with the aforesaid considerations, preferably within a period of two weeks of receipt thereof after giving an opportunity to the de facto complainant and the prosecution to be heard.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)