

22.04.2022

Sl. No. 01.

Mithun.

Ct.No.42.

CRM(SB)/72/2022

(Via Video Conference)

Dr.Sumit Basu

Vs.

The State of West Bengal & Anr.

In re: An application under Section 439 of the Code of Criminal Procedure in connection with Santiniketan Police Station Case No.184 dated September 19, 2021 under Section 506 of the Indian Penal Code read with Section 3(1)(r)(s)(u) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 giving rise to Special (A) Case No.04 of 2021.

Mr.Navanil De, Adv.

Mr. Rajeshwar Chakraborty, Adv.

Mr.Subhrajit Dey, Adv.

Mr.Srinjan Ghosh, Adv.

Ms.Ayanika Roy, Adv.

...for the petitioner .

Mr.Subhamoy Bhattacharjee,Adv.

Mr.Shankar Mukherjee, Adv.

... for O.P.No.2.

Mr. S.S.Imam, APP.

Mr. S. Kundu, Adv.

... for the State.

*“Guru Brahma, Guru
Vishnu, Guru Devo
Maheshwara; Guru
Sakshat Param Brahma,
Tasmai Shri Guravay
Namah.”*

Guru imparts education to the students. Our culture grew up reading the ancient history where the student used to stay in Guru's

home to take lessons. The relation between a teacher and a student is aptly depicted in the ancient stories of Aruni and Dhoumya.

Gurudev Tagore established Shantiniketan with the above lofty ideal where Indian culture, Art and history would be taught to the students following the principle of 'Gurukul'. Alas ! the University has turned to a place where teacher and student are involved in heated exchange of words, resulting in malicious prosecution and in-fight between them.

Coming to the fact of this case, it is not in dispute that on 17th September, 2021, the petitioner being an Assistant Professor, of Biswabharati in the Dance Department had an altercation with the opposite party, a student of Economics and Politics. Both of them abused each other with filthy languages. The incident led both the parties to fight against each other to set the criminal law in motion. A case under Section 506 and 509 of the I.P.C was registered against the student, while a case under Section 506 of the I.P.C and various provisions of Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were registered against the teacher. After filing of the charge sheet, the petitioner was taken to custody and his prayer for bail was refused by the learned Special Judge, under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Birbhum. He is now in judicial custody for 12 days.

The learned Advocate for the petitioner has submitted that the de-facto complainant of the above mentioned case, a student of Economics and Politics Department, was suspended by the University Authority. Subsequently he was rusticated for 3 years. The said

student moved this Court under Article 226 of the Constitution and on the strength of the order passed by this Court, the University Authority withdrew suspension order. The said student/de facto complainant has lodged a written complaint in the jurisdictional police station that the petitioner abused him in the name of his caste and the said utterances prima facie constitute an offence under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

It is not in dispute that there is both case and counter case which according to the petitioner has been translated to initiation of a criminal case against the said student. The petitioner was abused with utmost filthy languages which cannot be quoted in the body of the order. It is true that charge sheet has been submitted in the case instituted by the said student against the petitioner. Therefore, further detention is not necessary for the purpose of the further investigation. This Court is inclined to release the petitioner on bail pending trial of the case because detention of the petitioner would send a wrong message to the society at large regarding relationship of the teacher and the student. Such ugly relation between a teacher and a student must end at the earliest. Therefore, this Court grants bail to the petitioner.

The petitioner is enlarged on bail of Rs.20,000/- with two sureties of like amount to the satisfaction of the learned Special Judge, Birbhum with further condition that he shall attend the trial of the case regularly.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)