

04.08.2022
Court No.19
Monthly List
Item No.63
AP

WPA 13189 of 2022

Bidhan Chandra Kundu
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Snigdha Saha
Mr. Debdipto Banerjee

... For the Petitioner.

Mr. S. Datta
Mr. Debashis Sarkar

... For the State.

Mr. Biswajit Tiwari
Mr. Sk. Salim

... For the respondent Nos.7 & 8.

Mr. Sujan Chatterjee
Mr. Suvadip Bhattacharjee

... For the respondent No.9.

Affidavit of service filed in Court today is taken on record.

The petitioner is aggrieved by the continuous harassment by certain persons including the respondent Nos. 7 to 9. The petitioner claims to be a well-known businessman of Bardhaman Town.

It is alleged that some miscreants on the instigation of the local MLA, who is the respondent No.9, herein, lodged several false complaints against the petitioner and his son. The petitioner and his son approached the competent court of law and obtained anticipatory bail.

Due to continuous harassment, police protection is sought for.

Learned counsel for the respondent Nos.7 and 8 submits that there was a commercial transaction between the petitioner and the said respondents. The said respondents supplied some materials to the petitioner for his business. The petitioner issued cheques, which were dishonoured and hence, complaints were lodged by the said respondents against the petitioner alleging criminal breach of trust. An FIR was registered and investigation started. They deny the allegation of continuous harassment.

Learned advocate for the respondent No.9 submits that the said respondent had been falsely implicated.

Learned advocate for the State submits that the allegations of the petitioner are not correct. On the basis of the complaint lodged by the respondent Nos.7 Burdwan Police Station Case No.746/22 dated 10th July 2022 under Sections 406/420/323/504/34 of the Indian Penal Code has been initiated. This is the only case, which is pending against the petitioner.

It is submitted that the police authorities during the investigation, made interrogation and visited the place of occurrence. The petitioner was neither harassed nor harmed.

Be that as it may, as the petitioner has been granted anticipatory bail, he is entitled to enjoy his

liberty in accordance with law. He is also entitled to run his business without any interference.

The police authorities will ensure that no unnecessary harassment is caused to the petitioner or his son. The petitioner will cooperate with the investigation. Strict vigil shall be maintained, in order to ensure that the respondents do not disturb the petitioner.

If the petitioner feels insecure at any time, he will approach the Superintendent of Police for necessary orders of police posting. Police posting shall be allowed at the cost of the petitioner.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied by the respondents.

With the aforesaid directions, 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.

(Shampa Sarkar, J.)