

July 22, 2022
Sl. No. 9
Court No.19
s.biswas

WPA 16128 of 2022

Bonosree Hazra alias Bonosree Molla
vs.
The State of West Bengal and others

Mr. Sandipan Das,
Mr. Sayan Banerjee,
Mr. Ankur Sharma,
Mr. Badrul Karim, Advocates

... for the petitioner

Mr. Wasim Ahmed,
Mr. Sk. Md. Masud, Advocates

... for the State

Despite service upon the respondent no.10, none appears on his behalf.

The respondent no.10 is a police personnel, who was working as the Officer-in-Charge at different police stations at different points of time. The petitioner claims to be the wife of the respondent no.10. It is alleged that out of the wedlock, a son was born who is about 5/6 years old. The allegation is that the respondent no.10 denied that the petitioner was his wife and also denied the paternity of the child.

It is also alleged that when the petitioner and the child went to meet the respondent no.10 at different police stations in New Town, Pursurah and Singur, the respondent no.10 brutally assaulted the petitioner on numerous occasions. One such incident had been registered as Singur Police Station Case No.293 of 2022 dated 14th July, 2022 with charges under Sections 494/307/504/506 of the Indian Penal Code. At the relevant point of time, the respondent no.10 was the

Officer-in-Charge, Pursurah Police Station. The said investigation is under progress.

It appears that an application for anticipatory bail has been filed by the respondent no.10. However, this Court is unable to ascertain whether the prayer for anticipatory bail was allowed or rejected.

The police authorities shall ascertain the actual state of affairs with regard to the said application and thereafter take necessary steps, in accordance with law as the alleged accused is absconding. No special favours shall be shown to the accused, only because he is a police personnel and known to the investigating agency.

On the basis of another complaint, Hirapur Police Station Case No.301 of 2018 dated 06.12.2018 under Sections 498A/323/406/506 of the Indian Penal Code had been registered against the respondent no.10. Upon completion of the investigation, a charge-sheet was filed on May 31, 2019. From the reports filed by the Officer-in-Charge, Hirapur Police Station and Officer-in-Charge, Pursurah Police Station, it appears that the respondent no.10 has been suspended from service.

This Court is of the view that further investigation with regard to Singur Police Station Case No.293 of 2022 dated 14th July, 2022, must be conducted by a team of police personnel constituted by the Superintendent of Police, Hooghly Rural Police District. This direction is being passed as the alleged accused holds a powerful

position in the service and has been the officer-in-charge of various police stations in the district.

The statements of the complainant shall be recorded under Section 164 of the Code of Criminal Procedure.

With regard to the prayer for preservation of the CCTV video footages of the alleged incident of assault on 14th July, 2022, such prayer is also granted. The CCTV footages available in the Singur police station, where the alleged incident took place, must be preserved apart from the other documents and statements which are required to be either seized or obtained during the course of investigation.

The petitioner will approach the local police station for protection and if such approach is made, the concerned police station shall ensure that no harm is caused either to the petitioner or her family members.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All the parties shall act on the server copy of this order.

(Shampa Sarkar, J.)