

09 16.12.2022
NB Ct. 39

WPA 9243 of 2020
CAN 1 of 2022

Kausar Parvez
vs.
The State of West Bengal & Ors.

Mr. Arunava Ganguly.
..for the petitioner.

Mr. T. M. Siddiqui,
Mr. Nilotpal Chatterjee,
Mr. Amritlal Chatterjee.
...for the State.

This is an application under Article 226 of the Constitution of India praying for direction upon the State respondents to allow the petitioner and the family members to enter into their own house.

A report filed on behalf of the State is taken on record.

Learned counsel appearing for the petitioner submits as follows. The petitioner is an accused in a case under Section 498A, 304B, 120B read with Section 109 of the Indian Penal Code and added Section 302 of the Penal Code.

After investigating, a charge sheet was submitted against the petitioner. However, the petitioner, after being granted bail, has duly complied with the conditions of the bail. In spite of this, the respondent authorities particularly the respondent no.4, is preventing him from entering his own house. Representation was made in this regard, but in vain.

Learned counsel for the State relies on the police report and submits as follows. The respondent authorities have

not stopped the petitioner or his family members from entering into his own house. The respondent further undertakes not to create any hindrance in this regard.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner is an accused in a case inter alia, under Section 302 of the Penal Code. He submits that he has been complying with the terms of the bail and there is no allegation on the part of the State that he has violated any condition.

At the same time, I find no material to come to a positive finding that the police have been preventing the petitioner or his family members from entering his residence. However, it is made clear that the petitioner and his family members have every right to enter their residence and the respondents have no authority to come in the way.

There is no need to pass any further order.

As the affidavits were not called for, allegations are not accepted.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

