

13.06.2022
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Item No.79

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA No. 1170 of 2022

Mr. Anirban Banerjee
Mr. Debasish Mukhopadhyay
Mr. Bhaskar Roy Mahasay ...for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahmanfor the State

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

Report submitted by the respondents is taken on record.

A complaint was lodged against the petitioner by one Sabitri Thapa on 05.09.2017 which was registered as Bhaktinagar Police Station Case No. 438/22 dated 30.04.2022 under Section 385 of the Indian Penal Code. The petitioner has been granted bail in connection with the said case by an order passed by the Chief Judicial Magistrate, Jalpaiguri on 10.05.2022.

The grievance of the petitioner is that even after obtaining bail in the said case the police of Bhaktinagar Police Station and New Jalpaiguri Police Station are visiting the house of the petitioner on several occasions and harassing the petitioner.

It is submitted by the learned counsel appearing on behalf of the State respondents, on instructions, that several attempts were made to serve notice under Section 41A of the Code of Criminal Procedure upon the petitioner after registration of the case but the notice could not be served upon the petitioner as the petitioner was found absconding. Subsequently, it was learned that the petitioner had obtained bail on May 10, 2022. After such order of bail, the police has not visited the residence of the petitioner on any occasion for any reason whatsoever.

It is not in dispute that besides the case referred to above, no other case has been registered against the petitioner.

In view of the submission made on behalf of the State-respondents, nothing further remains for adjudication in the writ petition.

Accordingly, this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)