

06-02-2023
ct no. 13
Sl.4
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WPA 1602 of 2023
Mallika Das Mahanta
-Versus-

The State of West Bengal & Ors.

Mr. Argha Banerjee,
Mr. Amarendra Chakraborty
....for the petitioner

Mr. Soubhik Mitter,
Ms. Rajnandini Das
...for the respondent nos. 9 to 12

The petitioner complains that the accused persons in respect of FIR No. 1110/2022 dated 12.11.2022 under Sections 341/323/325/354/506/34 of the IPC read with Section 8 of the POCSO Act, are roaming freely.

The Officer-in-Charge, Duttapukur Police Station, Barasat P.D., North 24 Parganas submits that the accused persons are absconding.

Counsel for the accused persons submits that her clients' anticipatory bail application has been rejected by the Court below and they have applied before this Court for such anticipatory bail.

The accused persons appear to be absconding according to the Investigating Officer.

It appears that investigation has been completed and charge sheet being Duttapukur Police Station Case No. 38/22 dated 18.01.2023 under

Sections 341/323/325/354/506/34 of the IPC read with Section 8 of the POCSO Act has been filed against 5 persons and a prayer has been made for issuance of warrant of arrest against 4 of them. One Biswajit Das is stated to have obtained bail in the matter being a juvenile.

It is surprising that the police have not been able to apprehend the principal accused till date. It is expected that serious efforts are put in by the Duttapukur Police Station to apprehend the accused.

In the event, the police cannot execute the warrant of arrest, efforts shall be made to obtain orders of proclamation and attachment immediately.

It is also expected that the charge sheet is put to committal as expeditiously as possible.

On the complaint of the private respondents dated November 3, 2022, the Duttapukur Police Station has registered FIR being Duttapukur Police Station Case No. 1064/22 dated 03.11.2022 under Sections 341/323/325/506/34 of the IPC. It is submitted that investigation has been completed and charge sheet being Duttapukur PS CS No. 983/22 dated 21.11.2022 under Sections 341/323/506/34 of the IPC has been filed.

On a further complaint of the petitioner of threat and intimidation by the private respondent, Duttapukur Police Station Case No. 87/23 dated

23.01.2023 under Section 195A of the IPC has also been registered.

It is expected that sufficient protection shall be made available to the petitioner and the victim and the investigation into the FIR being Duttapukur PS CS No. 983/22 shall be completed as expeditiously as possible. It shall be ensured by the Duttapukur Police Station that the victim is able to attend school and to move without any such apprehension forthwith. A lady constable shall be deputed with the victim girl to accompany her to school and back, for a period of one month from date.

With the aforesaid observations, the writ petition shall stand disposed of.

The instructions of the Duttapukur Police Station dated 06.02.2023, addressed to the learned Government Pleader, is kept with the record

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.

(Rajasekhar Mantha, J.)