

16.03.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 5390 of 2023

X

Versus

The State of West Bengal & Ors.

Mr. Debashis Banerjee,
Mr. Rakesh Jana.

...For the petitioner.

Mr. Ansar Mondal,
Ms. Srilekha Bhattacharyya.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

In terms of the order dated 14th March, 2023,
the Officer-in-charge, Jibantala Police Station is
personally present in Court. A detailed report dated
16th March, 2023 is filed which is kept with the record.

Case diary is also produced before this Court.

The petitioner complains that the private
respondent/accused in several complaints, is
undergoing trial in connection with Jibantala Police
Station FIR No. 188 of 2021 dated 7th August, 2021
under Sections 376/506 of the Indian Penal Code.
Subsequent thereto, the private respondents and their
associates claimed to have assaulted and intimidated
the petitioner.

Jibantala Police Station has registered an FIR
and Charge-sheet being No. 387 of 2021 dated 31st
December, 2021 under Sections
447/448/427/323/354/506 of the Indian Penal Code
has been submitted.

On a further complaint of the petitioner, Jibantala Police Station has registered a FIR being No. 234 of 2022 dated 21st June, 2022 under Sections 147/148/195A/447/448/379/380/384/307 of the Indian Penal Code and Sections 25/27 of the Arms Act against the private respondents.

A further complaint dated 16th December, 2021 was registered as FIR and investigation has been completed and Charge-sheet No. 460 of 2022 dated 31st December, 2022 under Sections 341/448/323/324/354/307/427/195A/506/509/34 of the Indian Penal Code has been filed.

This Court notes that in connection with the offence under Sections 376 and 506 of the Indian Penal Code, which is in trial, the private respondent no.5, Aram Sekh was initially granted bail. Such bail was cancelled on the application of the petitioner.

After cancellation, the accused is stated to have filed afresh and obtained bail on 24th August, 2022. It does not appear from the bail order passed by the learned Additional District & Sessions Judge, Fast Track 4th Court, Alipore, South 24 Parganas as to whether the other FIRs and charge-sheets against the said Aram Sekh have been placed before the Court.

Be that as it may, Jibantala Police Station shall extend all and necessary protection to the petitioner forthwith and immediately respond to any further

complaint against the said Aram Sekh or his associates.

In the event of any further misconduct of the accused, the police and/or the writ petitioner shall be entitled to apply for cancellation of second bail to the said Aram Sekh and his associates.

Any further complaint against Aram Sekh under bail, may be considered as a violation of the bail condition after due enquiries by the Jibantala Police Station.

Jibantala Police Station shall regularly monitor the security concerned of the petitioner.

The Superintendent of Police, Baruipur Police District shall consider and pass appropriate orders with regard to posting of appropriate security at the petitioner's residence.

The petitioner shall communicate a copy of this order to the Superintendent of Police, Baruipur Police District immediately.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

