

21 07.07.2023
NB Ct. 14

WPA 16025 of 2023

Kutub Laskar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. S. N. Arefin,
Mr. Partha Chakraborty,
Mr. Arghya Mullick,
Mr. Muhhammad Obaid,
Mr. Sujit Mondal.
...for the petitioners.

Mr. Amitesh Banerjee,
Mr. Tarak Karan.
....for the State.

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities not to take coercive steps against the petitioners and to allow cast their votes in the ensuing Panchayat Elections on 08.07.2023.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.19 is a candidate in the ensuing Panchayat Election. The other petitioners are the supporters. The miscreants belonging to the ruling political party have been harassing and intimidating the petitioners so that they cannot take part in the coming Panchayat Election.

Learned counsel representing the State relies on the report and submits as follows. The police had actually gone to execute a warrant of arrest against the absconding accused for a case registered in 2020 in the locality of the petitioners. The petitioners and others surrounded the police personnel and snatched away the said accused from their custody. They

assaulted the police personnel and caused serious injuries. This prompted the police authorities to file the instant case where the petitioners are accused. This has nothing to do with the polls to be held tomorrow.

At this stage, upon instructions the learned counsel for the petitioners undertake that the petitioners would surrender before the learned Trial Court and pray for bail on 14.07.2023 in connection with the present case i.e. Jaynagar P.S. Case No.265 of 2023 dated 01.07.2023. in the event a direction is granted not to take coercive steps till such date so that the petitioners can cast their vote in the Elections.

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

It appears that the present case relates to an incident and consequent FIR of 2020.

Be that as it may, it appears that the petitioners would like to surrender before the learned Trial Court and pray for bail once the election process is substantially completed.

In view of the same, the writ petition is disposed of with the following directions:-

(i) The respondent police authorities shall not take any coercive steps against the accused petitioners till 14th July, 2022 when the petitioners shall surrender before the learned Trial Court and pray for bail.

(ii) The respondent authorities shall maintain peace and keep a vigil at the locality and shall ensure that no harm is done

to the petitioners and that the petitioners are able to cast their votes in the ensuing Panchayat Election.

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

(Jay Sengupta, J.)