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02.08.2023
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Ct 14

WPA 17939 of 2023

Ruhitosh Paik

-vs-

State of West Bengal & ors.

Mr. Sudarshan Ghosh

....for the petitioner

Mr. Sk. Md. Galib

Ms. Tanwishree Mukherjee

...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to investigate into the complaint filed by the petitioner and to provide police protection to the petitioner for his safety and security.

Affidavit of service filed on behalf of the petitioner is taken on record.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents are the neighbours of the present petitioner. On a particular day, an altercation took place between the parties. The private respondents assaulted the petitioner, which resulted in a cut on the petitioner's chin. The petitioner had to be medically treated in a hospital. Although a cognizable case was made out, no FIR was registered on this. One of the assailants is a civic volunteer.

Learned counsel appearing on behalf of the State relies on the police report and submits as follows. A specific FIR being Bakultala Police Station Case No. 220 dated 09.07.2023 was started under Sections 341, 323, 325, 506 and 34 of the Indian Penal Code. The accused surrendered before the learned trial Court and were granted bail. The police are keeping a strict vigil in the locality.

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

It is unfortunate that a civic volunteer would get allegedly involved in such an incident.

It is also true that if a case is started under bailable sections, the accused would obviously be granted bail on the first day of production.

Be that as it may, at least the police had registered an FIR. The offences are being investigated into.

Therefore, there is no need to pass any further order in this regard.

However, the police shall keep a strict vigil at the locale and ensure that no harm is done to the present petitioner.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)

