

September 26, 2023
AD 7
Court No.14
SG

WPA 20076 of 2023

Asgar Ali and another
vs.
The State of West Bengal and others

Mr. Prosenjit Mukherjee
Mr. Subodh Banerjee
Mr. Jahangir Hossain
... for the petitioners

Mr. Rajarshi Basu
Mr. K.M. Hossain
... for the State

Mr. Soham De Dhara
... for the respondent Nos.6 - 10

Report filed by the State is taken on record.

Learned advocate appearing for the petitioners submits as follows. The private respondents had conspired to sell plots of land in a property which actually belonged to a Government undertaking that had closed down in 1970. The petitioners were also given an offer and they agreed to purchase such property. After much persuasion, an FIR was registered, but the same is not being investigated properly. Most of the accused are roaming around freely and threatening the petitioner No.1 to withdraw the case. This is despite the fact that an application for anticipatory bail filed by some of the accused was turned down by this Court. One of the accused is a local councilor belonging to the ruling dispensation.

Learned advocate for the private respondents files a copy of an earlier FIR and submits that the present

petitioners were also witnesses in a previous case pertaining to alleged sale of the same property. There a different stand was taken by them that such property was being sold by somebody else.

Learned advocate for the State relies on the report and the case diary and submits as follows. The police are investigating the case. Two accused obtained statutory bail and the application for anticipatory bail of some other accused has been turned down by this Court.

It is quite surprising that in a case of such serious nature, some of the accused could obtain statutory bail.

In this context, the non-apprehension of those accused whose anticipatory bail has been rejected assumes a greater significance.

In view of the above, let further investigation of the case be carried out by an officer not below the rank of an ACP to be engaged for such purpose by the Police Commissioner, Chandernagore Police Commissionerate.

Let the investigating agency conclude the investigation expeditiously and in accordance with law.

The presence of the investigating officer is noted and dispensed with.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

