

13
22.11.2023
Ct. No. 14
SB

W.P.A. 26177 of 2023

X
Vs.

The State of West Bengal & Ors.

Mr. H. Rahaman
Ms. Sabera Khatun
Mr. A. Singh
Mr. N.K. Gupta
Mr. J. Alam ... for the petitioner

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Rajdeep Mazumder
Mr. Firdous Samim
Mr. Moyukh Mukherjee,
Ms. Gopa Biswas
Mr. Payel Shome
Ms. Sampriti Saha ... for the respondent no. 7

Mr. Anirban Ray , Ld. G.P.
Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury ... for the State

Affidavit of service filed in Court 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 petitioner is a victim of sexual assault in as much as there was a refusal to marry despite giving promise and entering into a physical relation. The accused is politically a very powerful man and is presently a Member of the Legislative Assembly of an opposition political party. After the petitioner was granted anticipatory bail by this Court on 04.9.2023 in C.R.M. (A) 2882 of 2023 there have been threats coming from different quarters. On 13.11.2023, petitioner received a direct threat while she was standing near her residence at Domkal when two unknown persons in a motorcycle asked her to withdraw the complaint. This was brought to the notice of the State, but no action was taken.

Learned senior counsel appearing on behalf of the respondent no. 7 denies the allegations and submits as follows. The present application is only a ploy to file an application for cancellation of anticipatory bail granted by this Court. This is a case where a false allegation of rape on the ground of refusal to promise marry was made after about five years from the alleged date of incident. This is being pursued because the respondent no. 7 has decided to contest the next parliamentary election against a very prominent leader of the ruling dispensation.

Learned counsel appearing on behalf of the State submits as follows. It is not that State is refusing to provide protection to the petitioner victim. They are awaiting a more detailed complaint as the petitioner had said that she would give one.

As the State has not yet made up its mind whether to grant police protection to the petitioner or not, the petitioner shall be at liberty to make a representation before the concerned authorities of the State in this regard which shall be decided in accordance with law.

It is clarified that the merits of the case have not been gone into.

As no affidavit was called for, the allegations made are deemed not to have been admitted.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon competition of requisite formalities.

(JAY SENGUPTA, J.)