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15.04.2024
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Ct 14

WPA 9449 of 2024

Uttam Kumar Santra & others.
-vs-
The State of West Bengal & ors.

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Soewel Bhattacharjee
Ms. Triparna Roy

...for the petitioners

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel
Mr. Rudrajit Sarkar

....for the State

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are workers of an opposition political party. On 10.03.2024 after taking permission, the petitioners and others were holding a political meeting . Suddenly police personnel came inside the gathering and altercations ensued. It is alleged that some objectionable words were used. Accordingly, a First Information Report was registered against unnamed supporters of a particular political party as accused. 12 persons have till now been arrested. There is hardly any specific role ascribed in the writ petition against the petitioners. Yet, due to political vendetta, they may be arrested and kept in custody in this season of political

campaigning. The State may be directed to provide the names, amongst the 33 petitioners herein, who are wanted in connection with instant case. Incidentally, in respect of a list of cases provided by the State mentioning the number of cases which are, as of now, pending against the petitioners, it appears that in all of those cases, the petitioners have already been granted bail. Therefore, as on date, there is no other case pending against the present petitioners except the present one under reference.

Learned senior standing counsel representing the State submits as follows. A prima facie case is made out against the unnamed supporters of the particular political parties. The local police was accompanying a contingent of Central Forces who were to do a route march there. A political rally was being held blocking the road without permission. Police tried to go through one side. During this, certain observations were made from the dais which provoked the supporters to attack the police. Police vehicles were damaged and some officers injured. Out of the present petitioners, only 3 have been named as accused in this case, they are the petitioner nos. 11, 13 and 20 namely, Mousumi Patra Mondal, Batul Das and Sourav Sarkar.

While the petitioners say that they had notified the police about the holding of meeting, the State contends that no final permission was given for the meeting.

Even if a permission was there for the meeting to be held on the road, it would not have been much of a

provocation if the police personnel had tried to take a contingent of Central Forces for a route march through a side of the road.

However, the question of provocation can best be dealt with at the stage of trial, if such occasion at all arises.

At this stage, it appears that a commotion ensued and allegations have been leveled against some of the petitioners.

Let the three petitioners namely, the petitioner nos. 11, 13 and 20 not be arrested in connection with the case for three weeks from this date.

In the meantime, they shall be at liberty to obtain necessary relief from the regular Court like applying for anticipatory bail.

No further order need be passed in this regard.

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.

Parties shall act on a server copy downloaded from the official website of this Court.

(Jay Sengupta, J.)