

24 18.04.2024
NB Ct. 14

WPA 10815 of 2024

Pritam Mitra
Vs.
The State of West Bengal & Ors.

Mr. Arunava Ganguly,
Mr. Debottam Das.
...for the petitioner.

Mr. Suman Sengupta Id.SGA,
Mr. Debraj Sahu,
Mr. Sanatan Panja.
...for the State.

Leave is granted to amend the cause title and expunge the name of the respondent no.2 from the list of respondents.

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 petitioner is a journalist by profession and is not aware of any criminal case pending against him. Suddenly, he was visited by police officers of the Singur Police Station on 26.03.2024. He was asked to call back on 27.03.2024. But, no details of the case were given to him. Thereafter, the respondent no.5 started disturbing the petitioner by making telephone calls. The petitioner apprehends that to settle some score, he may be implicated in a false case and arrest.

Learned counsel appearing on behalf of the State denies the allegations and submits as follows. As would be evident from the report, filed one Shew Kanta Bhagat lodged a complaint with the police station that on 12.03.2024, the complainant along with his two friends visited Singur to purchase a flat near Susmita Nursing Home. They met the miscreants Pritam and Ratnadwip Mahato. After bargaining the price of the flat was fixed at 10,00,000/- (Rupees Ten Lakhs). The sum was given, but the miscreants asked them to wait inside the flat and left the spot with the cash citing excuse of preparing necessary documents. On the basis of such allegations, Singur Police Station Case No.109 dated 12.03.2024 was started under Sections 406 and 420 of the Penal Code. After tracking cellular phone number location provided, the miscreant Ratnadwip Mahato was arrested on 15.04.2024. Thereafter, the police started to investigate into the role of the other accused. A connection could be established between the two. Accordingly, the police raided the house of the petitioner. But, they did not arrest the petitioner. He was asked to call back. Further investigation is being done.

It is surprising that the police arrested one of the accused and did not arrest the other. It also has to be seen whether the ratio laid down in ***Arnesh Kumar*, (2014) 8 SCC 273** would apply in this case or not.

However, the case is at the stage of investigation. It shall be open to the Investigating Officer to take steps in accordance with law.

The petitioner, on the other hand, shall be at liberty to seek necessary relief including praying for anticipatory bail.

No further order need be passed in this regard.

Accordingly, the writ petition is disposed of without any order as to costs.

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

(Jay Sengupta, J.)