

14 10.05.2024
NB Ct. 14

WPA 11306 of 2024

Sk. Anwar & Ors.
Vs.
West Bengal State Election Commission & Ors.

Mr. Sanidpan Das,
Mr. Diapankar Das.
...for the petitioners.

Sk. Md. Galib Id.AGP.,
Ms. Ashmita Chakraborty.
...for the State.

Ms. Sonal Sinha,
Ms. Shabnam Farooqui,
Ms. Srabasti Barai.
...for the SEC.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners and their family members are out of their hearth and home because of pressure from the local people. The petitioners were made accused in two cases. In one of them, they have already obtained bail. In the other, which is, inter alia, under the provisions of Prevention of Corruption Act, although the Sessions Judge granted them bail and asked them to surrender within a particular time, but they failed to surrender in time. They need to file an application for extending the time to surrender. Therefore, so far as the petitioner nos.1,2,3,4,5,8 and 10 are concerned, the police may be on the lookout to arrest them. However, all of them intend to exercise their right to vote in the ensuing Lok Sabha Polls.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that the petitioners are

trouble mongers. There are serious allegations of misappropriation of funds against some of them.

It is for the petitioners to take appropriate steps in accordance with law if they want that they should be on released in respect of the cases started against them.

However, in the interest of justice, the petitioners shall be permitted to cast their votes at the respective polling stations on the date of election i.e., on 20th May, 2024.

In the morning of the date of poll, the petitioners shall visit the local police station and submit an undertaking executed before a Notary Public that they would not create any trouble in the area on that date.

On that date, the concerned police authorities shall not arrest the petitioners.

In the event, any untoward incident occurs or is apprehended, the petitioners shall be at liberty to approach the police, who shall then act in accordance with law.

The police shall, however, keep peace in the area.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)