

13 10.05.2024
NB Ct. 14

WPA 12387 of 2024

Khokon Gayen
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Majumder,
Mr. Moyukh Mukherjee,
Mr. Pritam Roy,
Mr. Abhijit Singh.
...for the petitioner.

Mr. Suman Sengupta Id.SGA.,
Ms. Munmun Ganguly,
Mr. Sanatan Panja.
...for the State.

Supplementary affidavit 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 social activist and a businessman. Earlier, he used to owe allegiance to the ruling political dispensation. Before the last panchayat elections, he fell out with the local MLA and put up independent candidates in the elections. Since then, he has been hounded by the State Administration. By an order dated 07.07.2023 passed *in WPA 16146 of 2023*, the respondent authorities were directed not to take any coercive steps against the petitioner till 14.07.2023 when the petitioner would either surrender or pray for anticipatory bail. In the said case and in respect of all other cases pending as mentioned in the writ petition, the petitioner

has obtained bail. Now, the petitioner wants to go back residence and to his place of business. But, this has not been permitted by the local antisocials who are acting in league with the local police personnel. In fact, the keys of the petitioner's business establishment are now with the police officers. In respect of the cases mentioned in the report, the petitioner is already on bail. The business ventures of the petitioner are all with his own relatives and family members and there is no dispute about the same.

Learned counsel appearing on behalf of the State denies the allegations and submits as follows. There are serious allegations against the petitioner as would be evident from the number of cases pending against him. It is a different thing that he has been granted bail in those cases. In one such case, the victim suffered fractured injuries and is still in hospital. However, the State is not in the way of the petitioner in going back to his residence or starting his business. It is categorically denied that the keys of the petitioner's business establishment are with the police officers.

A list of pending cases at the Nischinda Police Station has already been supplied to the petitioner.

It is surprising that the State who is now indicating the serious injuries suffered by one of the victims in one such case where the petitioner is an accused and stating that the victim is still in hospital has not challenged the order of bail granted to the petitioner.

Any of the parties shall be at liberty to seek an appropriate relief from the appropriate Court of Law.

However, since the petitioner's business ventures are not in dispute, he shall not be prevented by anyone from entering into either his residence or his business premises. If any locks have been put by the miscreants, the petitioner shall be at liberty to remove the same. When the petitioner decides to enter his residential premises or his business premises, he shall intimate the Officer-in-Charge of the local police station about the time and date from before so that they can stand guard and witness the entry of the petitioner to the said premises for the first time. The entry shall be videographed.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

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.)