

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Jay Sengupta

WPA 13149 of 2024
Bibhas Mandal & anr.

-vs-

The State of West Bengal & ors.

For the petitioner : Mr. Tarunjoyti Tewari
Mr. Aniruddha Tewari
Ms. Kaushiki Bose
.....Advocates

For the State : Mr. Kishore Dutta. Ld. AG
Mr. Debangshu Dinda
.....Advocates

For the respondent no.4 : Mr. Soumya Nag
Mr. R. Mondal
Mr. Subrata Sardar
.....Advocates

Heard lastly on : 10.05.2024

Judgment on : 10.05.2024

Jay Sengupta, J:

This is an application alleging police inaction and seeking police protection.

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel appearing on behalf of the petitioners submits as the follows. The petitioners are the members of the opposition political party and as active workers, they have been involved in campaigning for the oncoming election. Earlier the petitioners were constrained to approach this Court as they had been driven out of their residence by the local miscreants belonging to the ruling political dispensation. By an order dated 08.01.2024 passed in WPA 28140 of 2023, this Court was pleased to direct the police to facilitate the return of the petitioners to their residence. Even thereafter the police was directed to keep a sharp vigil at the locale and ensure that no breach of peace took place. The Inspector in Charge of the local police station was directed to keep the Superintendent of Police, Baruipur Police District informed about such measures. Yet, in violation of such directions, the private respondents have again been torturing the petitioners. On one occasion, they brutally assaulted the petitioners and others. Fractures and other serious injuries were received. In fact, the petitioners were assaulted even at the primary health centre when they went there for treatment. Even before their complaints could be registered as an FIR, the other side started an FIR being Jibantala Police Station Case No. 157 dated 24.03.2024. The accused was arrested on the very same day and were thereafter granted bail. The petitioners' FIR was also registered on the same day being Jibantala Police Station Case No. 158 dated 24.03.2024. However, in connection with

a case, only two persons were arrested who got bail later on. Nine other accused were not arrested till 28.03.2024, when they appeared before the Magistrate and obtained bail. The atmosphere of terror created by the private respondents is such that the petitioners are unable even to venture out of their respective residences, far less campaign for any political party.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits as follows. After coming back to their residences, the petitioners showed their true colors. They started creating terror in the area. It is evident that a clash took place between two sides and that is why there are two FIRs.

Learned Advocate General representing the State submits as follows. Pursuant to a direction passed by this Court earlier, all assistance was provided to the petitioners so that they could return home. After that a strong vigil has been kept to ensure that there is no breach of peace. However, in spite of the best efforts of the police, some clashes might have taken place. The police have acted on complaints from both sides and registered FIRs. The investigation of the cases are going on. At this moment, there are regular route marches going on in the area. In fact, CAPF personnel have visited the residences of the petitioners as well. There are enough confidence building measures that are being undertaken to avoid any further escalation of the situation.

It appears that pursuant to an order passed by this Court, necessary police help was rendered so that the petitioners could return home.

However, it also appears that afterwards, some clashes took place. The petitioners have come up with pictures showing assault and medical papers evincing even fracture injuries suffered by the petitioners.

Let the investigation of the cases be concluded expeditiously and in accordance with law under the supervision of the Superintendent of Police, Baruipur Police District.

The local police authorities shall keep a sharp vigil at the locale to ensure that peace is maintained. This shall include frequent visits by police patrol apart from the route marches by Central Forces that might take place.

If it is found necessary, the Superintendent of Police shall direct posting of police pickets at vantage points to cover the whole area.

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

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.)