

60 24.01.2024
NB Ct. 14

WPA 24754 of 2023

Sona Bera
Vs.
The State of West Bengal & Ors.

Mr. Kanti Kamal Sen,
Mr. Manik Bhowmik,
Mr. Prosenjit Biswas.
..for the petitioner.

Mr. Rajarshi Basu,
Mr. Ananda Dulal Sarkar.
...for the State.

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's complaint that the accused had forged a deed and sold the property that the petitioner had purchased was not registered as FIR by the Gariahat Police Station. He had to obtain an order under Section 156(3) of the Code from the learned jurisdictional Magistrate. After that an FIR was registered. But, the investigation has not been done properly. After obtaining bail, the accused/private respondents have been threatening the petitioner with dire consequences. This was brought to the notice of the police, but no steps were taken.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. Charge sheet has already

been submitted in connection with the FIR in question. The police authorities would take steps if any credible information comes from the petitioner about subsequent threats. However, it is also open to the petitioner to file an application for cancellation of bail. Thus, the prayer by the petitioner that the State may be directed to file an application for cancellation of bail is not quite maintainable.

It appears that charge sheet has already been submitted in respect of the FIR lodged at the behest of the petitioner.

If there is an allegation of threat and intimidation by the accused, the police need to look into the same and if a cognizable case is made out, an FIR needs to be registered.

However, it appears that the petitioner herself has not prayed for cancellation of bail of the accused. She has the liberty to do so.

Therefore, no further order need be passed in this regard.

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

In the event any untoward incident occurs or is apprehended by the petitioner, she shall be at liberty to approach the Officer-in-Charge of the local police station who shall then act in accordance with law.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)