

Sl.No.

24 19.11.2024

*Court
No. 35*

G.S.Das

WPA 27218 of 2024

Soni Devi

-Vs-

The State of West Bengal & Ors.

Ms. Priya Ghosal

Mr. Sahil Kabir

...for the petitioner

Mr. Suman Ghosh

Mr. Siddhartha Ghosh

... for the State - respondents

Mr. Mujibar Ali Naskar

Ms. Sujata Choudhury

... for the respondent nos.5-10

The petitioner is aggrieved by the fact that the private respondents are repeatedly assaulting her family members and, in fact, threatened of sexual assault of her daughter.

A report has been submitted by the learned advocate for the State, which reflects that, initially, SPPS Case No. 60 dated 05.04.2023 was registered for investigation under Sections

354B/323/506/427/114 of the IPC.

In connection with the aforesaid case, after conclusion of investigation, charge-sheet was submitted on or about 09.02.2023.

The report also reflects that another case being SPPS Case No. 131 dated 27.10.2024 was registered for investigation under the relevant provisions of BNSS.

Subsequently, SPPS Case No. 132 dated 27.10.2024 was registered for investigation on the complaint of respondent no.6, which has been referred to as a counter-case by the police authorities.

Be that as it may, learned advocate appearing for the respondents submits that the respondents and the petitioners are neighbours, who are fighting

over the issues which in regular course do not attract any of the provisions of the IPC or BNS or for that matter any cognizable offence.

However, I find that there are number of medical documents which have been enclosed by the petitioner. In the first case charge-sheet has been submitted under Section 354B of the IPC and, in the second case also, there is accusation of threatening of sexual assault on the minor daughter of the petitioner.

Article 21 of the Constitution of India grants liberty, as such, criminal courts when they do not find that detention of an accused is required for the purposes of investigation or, for that matter in connection with the said case, then, in that case, courts usually grants bail on condition(s).

Merely because, bail has been

granted, that do not give an impression that the accused are exonerated of the charges or, for that matter he/she can take up law in his/her own hands.

Having considered the overall circumstances, which has been reflected in the police report, *prima facie*, the private respondents can be termed to be repeat offenders, I direct that the bail so granted in connection with the first case being SPPS Case No. 60 dated 05.04.2023, so far as it relates to the conditions so imposed, be modified to the extent that accused (private respondents herein) (1) Prabhu Mondal (2) Sanjay Mondal and (3) Bijay Mondal will stay outside the jurisdiction of SPPS police station for a period of three months from date. They will enter the jurisdiction for the limited purpose of meeting with officer in charge of SPPS police Station once in every

fortnight.

The learned CJM, Alipore will assess the records after getting the report from the officer-in-charge of SPPS Police Station and, thereafter, permit entry of the aforesaid three persons/respondents after the period specified is over.

With the aforesaid observations, WPA 27218 of 2024 is **disposed of**.

Affidavit of service so filed be kept with the record.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

