

30.04.2025

Ct. no.2

Sl. 36

b.r.

WPA 5826 of 2025

Jaydev Mandal

Vs.

The State of West Bengal & Ors.

Mr. Md. Asraf Ali

.... For the Petitioner.

Mr. Dipanjan Datta. Ld. Sr. Govt. Adv.

Mr. Sanatan Panja

Ms. Sukanya Datta

..... for the State.

Md. Asraf Ali, learned advocate appears for the petitioner.

Mr. Dipanjan Datta, learned Senior Government Advocate appears for the State-respondents. He files a report dated **March 24, 2025** issued by the Sub-Inspector of the jurisdictional Police Station, as this Court has been informed by the learned State Counsel. The report is taken on record. Copy has been served upon Mr. Asraf Ali, learned advocate appearing for the petitioner, in Court today.

The petitioner claims to be a **Civic Volunteer**. Arising out of a family dispute *inter se* the family members, criminal charges was leveled against the petitioner and the criminal case has been initiated. The petitioner has obtained an anticipatory bail from the

jurisdictional criminal Court. The State employer has demobilized the petitioner for the time being and has not discharged from his employment.

Challenging such decision for demobilizing the petitioner from his employment, this writ petition has been filed.

Mr. Ali learned counsel appearing for the petitioner submits that petitioner has made several representations from time to time, **annexure p-7** to the writ petition before the several jurisdictional authorities of police. Referring to **page-69** from the writ petition, learned counsel for the petitioner submits that the representation was also made before the concerned Superintendent of Police, though the representation does not bear any date, annexed to this writ petition. Petitioner claims recalling of the decision for demobilization of the petitioner on the basis of a prima facie view taken by the jurisdictional criminal Court while granting anticipatory bail. Learned counsel for the petitioner further submits as a result of counter blast, this criminal case was initiated by the sister-in-law of the petitioner against him and other family members, as the cousin brother of the petitioner has suffered an unnatural death. The sister in law who has lodged the criminal case is the wife of the said cousin brother. He submits that the petitioner has no nexus or connection with the alleged unnatural death of the cousin brother.

Learned State counsel submits on the basis of the report placed before this Court, as referred to above, that the employment of the petitioner is contractual and temporary employment and he has been simply demobilized for the time being, as the criminal trial is pending against the petitioner and more so the petitioner is an employee in the disciplined force.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that the admitted fact is criminal trial is pending against the petitioner and the petitioner was employed in a disciplined force, though on contractual and temporary basis. This Court is of firm and considered view that granting anticipatory bail by the jurisdictional criminal Court is merely a *prima facie* finding of the jurisdictional criminal Court, which has got no connection with the ultimate finding in the criminal trial. Grant of an anticipatory bail will have no impact at all in the criminal trial. The trial will proceed independently in its own motion and strictly in accordance with law. Unless the petitioner being an accused is acquitted completely by the jurisdictional criminal Court after holding the criminal trial, this Court is of the view that, the petitioner being a member of the disciplined force, though in a contractual and temporary employment, this Court shall not exercise its equitable jurisdictional at all. This Court finds no merit in this writ petition.

Accordingly, this writ petition, **WPA 5826 of 2025** stands ***dismissed***, without any order as to costs.

However, dismissal of this writ petition shall not preclude the State authority to take a final decision in the event, the petitioner is honorably acquitted finally in the criminal trial.

It is also made clear that, this Court has not expressed any opinion or view on the alleged charges against the petitioner and the jurisdictional criminal Court shall proceed with the trial expeditiously and come to its logical conclusion in accordance with law independently and without being influenced by observations, if any, made by this Court.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)