

23
18.06.2025
Ct. No. 11
rrc

WPA (H) 42 of 2025

(Mrs. Reshmi Barik nee Mandal Vs. The State of
West Bengal & Ors.)

**Ms. Tanuka Basu
Mr. Partho Proteem Das
Mr. Suman Roy Choudhury**
..... For the petitioner

**Mr. Rana Mukherjee, APP
Mr. Simanta Kabir**
..... For the State respondents

**Mr. Sudip Sarkar
Mr. Anindya Sundar Das
Syed Ali Afzal
Mr. Surajit Singh
Ms. Paramita Mondal
Ms. Sneha Maity
Mr. Suman Halder**
..... For the respondent nos. 5 to 10

Affidavit-of-service, as filed, be kept on record.

The present writ petition has been preferred praying for issuance of necessary direction upon the respondents to recover the husband of the petitioner, namely, Somnath Mandal (in short, Somnath).

Ms. Basu, learned advocate appearing for the petitioner submits that the petitioner, namely, Reshmi Barik nee Mandal (in short, Reshmi) is the legally married wife of Somnath. Such marriage was solemnized as per the hindu rites and customs on 23rd February, 2025 at Tarapith Temple, Birbhum. After marriage, she was initially residing with Somnath in a flat at Kestopur along with her son of the first marriage.

She further submits that the private respondents being the family members of Somnath were residing at Purulia and they did not accept such marriage of Somnath and started disturbing the couple from leading a peaceful married life.

Drawing our attention to the averments made in paragraphs 11 and 18 of the writ petition, she submits that Reshmi could go to her matrimonial house along with Somnath on 11th April, 2024. Reshmi thereafter fell sick and she had to leave for Kolkata for treatment. On 26th April, 2025 when Reshmi visited her matrimonial house at Purulia, she could not find her husband. The private respondents also did not furnish any information as regards the whereabouts of Somnath though, admittedly, Somnath was residing with them at the said juncture. Aggrieved thereby, Reshmi lodged a complaint before the police authorities.

Ms. Basu submits that the said complaint was registered, however, no steps were taken by the police authorities to recover Somnath. Stating such facts a further representation was submitted by Reshmi to the Superintendent of Police on 13th May, 2025. However, still the police authorities maintained a deceptive silence. Aggrieved thereby the petitioner has approached this Court.

Ms. Basu submits that Somnath had, in fact, been illegally detained by his family members being the private respondents herein and as such, it is an obligation on the

part of the police authorities to produce her husband in Court.

Such contention of Ms. Basu has, however, been denied and disputed by Mr. Mukherjee, learned Additional Public Prosecutor appearing for the State respondents. He submits that the present writ petition has been preferred suppressing material facts and on such ground itself, the same needs to be dismissed.

Placing reliance upon the written instruction, as furnished by the Officer-in-Charge of Balarampur Police Station, District – Purulia, he submits that Reshmi lodged a formal complaint and the same was registered as Balarampur PS FIR No. 110 of 2025 dated 13th May, 2025 under Sections 85/316(2)/3(5) BNSS and investigation started.

He further submits that in connection with the FIR lodged by Reshmi, Somnath preferred an application for anticipatory bail before the competent Court and anticipatory bail was granted on 4th June, 2025 with conditions to the effect that *‘in the event of arrest, the accused petitioner be released, on furnishing bond of Rs.2000/- with one surety, to the satisfaction of the arresting officer and on compliance with the conditions as envisaged u/s 482(2) of BNSS’*.

Mr. Mukherjee further submits that after obtaining anticipatory bail Somnath met with the Officer-in-Charge, Balarampur Police Station on 9th June, 2025 and he submits, upon instruction, that

Somnath is presently residing at Village Kurni, P.S. Balarampur, District - Purulia.

Mr. Sarkar, learned advocate appearing for the private respondent nos. 5 to 10 denies and disputes the allegations levelled by Reshmi.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

There is no material on record to infer that Somnath is in illegal detention. In connection with the complaint lodged by Reshmi, Somnath applied for anticipatory bail and such prayer was allowed on 4th June, 2025. Such bail was granted on appropriate conditions as incorporated in the said order. Somnath is an adult and is presently residing at Village Kurni, P.S. Balarampur, District - Purulia.

In view thereof, no interference is called for in the present writ petition and the same is, accordingly, dismissed.

Nothing herein shall, however, prevent the petitioner from initiating proceedings before any other Court or forum for seeking relief, in accordance with law.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)