

03.09.2025
Court No. 35
D/L. No.32
Rakib

W.P.A. 19963 of 2025

Mousumi Deti
VS
The State of West Bengal & Ors.

Mr. Indrajit Chatterjee
...for the Petitioner.
Mr. Debapriya Chatterjee
Mr. Tirthankar Dey
...for the State.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner complains that in spite of Sankrail Police Station case no. 219/25 dated 17.03.2025 having been registered for investigation and the same resulting in charge-sheet under Sections 126(2) / 79 / 351(2) / 78 / 76 / 329(3) of the BNS. The private respondent no.6 had been pursuing his act and action and to that effect in spite of informing the police authorities on or about 10.08.2025, no steps were taken.

Report submitted by the police authorities reflects that a proceeding under Section 126 of the BNSS has been drawn up. Learned advocate submits that he has specific instructions from the police authorities that no cognizable offence has been made out, as such no steps have been taken.

On the other hand learned advocate appearing for the petitioner submits that the CCTV footage would reflect regarding the accusations made by the petitioner

in the information so furnished with the police authorities relating to the incident of 10th of August, 2025.

Since the petitioner claims to have materials in her possession and a criminal case is already pending before the jurisdictional Court wherein charge-sheet has been submitted and the accusations of the petitioner reflect that the respondent no.6 is misusing the liberty granted to the respondent no.6 to be on bail, I direct that the learned Magistrate in seisin of the case would in an application filed for cancellation of bail of the respondent no.6, perusing the materials which are made available to the Court and assess the post-bail conduct and thereafter decide whether the respondent no.6 liberty should be curtailed and it should be allowed to be continued.

Police authorities are directed to ensure that the respondent no.6 is not seen to disturb the petitioner in the mode and manner in which it is being repeatedly informed to the police. In case such incidents are informed, the police authorities would conduct a thorough enquiry, record the statements of the local neighbours and thereafter take appropriate steps in the proceedings under Section 126 of BNSS including the factum of deciding to take out an application as to whether the respondent no.6 should be allowed to stay within the jurisdiction or not.

With the aforesaid observations WPA 19963 of 2025 disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)