

April 26, 2024
AD 11
Ct. No.14
SG

WPA 11724 of 2024

Rajib Samanta and others
vs.
The State of West Bengal and others

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Soewel Bhattacharjee
Ms. Triparna Roy
Ms. Sarmistha Basak

... for the petitioners

Mr. Amitesh Banerjee
Mr. Rudrajit Sarkar
Mr. Debangshu Dinda

... for the State

Leave is granted to the petitioners to correct the cause title.

Affidavit of service filed in Court is taken on record.

Learned counsel for the petitioners submits as follows. The petitioners are the portfolio-holders of opposition political party. On 10.03.2024, after taking permission, the petitioners and others were holding a political meeting. Suddenly police personnel came inside the gathering and altercations ensued. It was alleged that some objectionable words were used. An FIR was registered against unnamed supporters of a particular political party as accused. Several persons have been arrested. There is hardly any specific role ascribed against the accused. By an order dated 15.04.2024 passed by this Court in WPA 9449 of 2024, three petitioners not named in the present case being Khejuri

PS Case No.103/24 were granted liberty to obtain necessary relief from the regular court like applying for anticipatory bail and the police was directed not to arrest them for three weeks. In the present petition, the petitioner Nos.1, 2, 3, 4, 6, 7, 14, 15, 18 are standing on the same footing. They may be granted similar relief. That apart, the portfolio-holders and workers of the opposition political party are being falsely implicated in existing cases, especially open-ended ones. The State may be asked to provide a list of cases that might have been registered at the Khejuri and the Talpatighat Coastal Police Stations.

Learned senior counsel representing the State submits as follow. A prima facie case is made out against the unnamed supporters of the opposition political parties. The local police was accompanying a contingent of Central Forces who were to do a route march there. A political rally was being held blocking the road without permission. The police tried to go through one side. During this, certain observations were made from the dais which provoked the supporters to attack the police. Police vehicles were damaged and some officers were injured.

While the petitioners say that they had notified the police about the holding of meeting, the State contends that no final permission was given for the meeting.

However, the question of provocation can best be dealt with at the stage of trial, if such occasion at all arises.

At this stage, it appears that a commotion ensued and allegations have been levelled against some of the petitioners.

Let the petitioner Nos.1, 2, 3, 4, 6, 7, 14, 15 and 18, who are similarly placed as the ones who were granted relief in the earlier writ petition, not be arrested in connection with the instant case for three weeks from this date. In the meantime, they shall be at liberty to obtain necessary relief from the regular court like applying for anticipatory bail.

The police authorities shall also provide a list of cases registered at the Khejuri and the Talpatighat Coastal Police Stations where the present petitioners may be wanted as accused.

Let the list be provided on May 1, 2024 when the matter would appear under the heading "To Be Mentioned."

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]