

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.1083/WBHRC/Com/2009-2010

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N.C. Sil - Member
3. Mr. S.N. Roy - Member

The Commission received a complaint from one Anup Chakraborty, Advocate, Judges' Court, Howrah alleging police high-handedness in detaining him at Golabari Police Station on 30-1-2010. On 30-1-2012 when he was returning home after midnight he found some disturbances in Sitanath Bose Lane in Golabari P.S. where he tried to pacify the crowd. In the meantime, I. C., Golbari P.S. along with officials and police force came and resorted to lathi charge. Thereafter, when he was returning home, one constable from Golabari P.S. called him and asked him to meet the Inspector-in-Charge. He was shoved into the police vehicle and brought to Golabari P.S. On hearing the news of his detention at the Police Station representatives of the major political parties came to the Police Station and ultimately he was released. He further complained that he was a heart patient and his detention at the Police Station for three hours during which he was abused in filthy

language and threatened with dire consequences by the police caused mental and physical agony to him and also ruined his social status. Accordingly, he demanded action against the erring police officials.

2. The Commission took cognizance of the matter and called for a report from Supdt. of Police, Howrah. S.P., Howrah forwarded the enquiry report of Sukesh Kumar Jain, IPS, Addl.S.P. (Town), Howrah.

3. In his enquiry report, Addl.S.P. stated that on 30-1-2010 at around 0015 hrs. I.C., Golabari P.S. received a source information that a disturbance was going on around Sitanath Bose Lane near Volley Ball ground. Ultimately, the situation turned ugly and unruly mob started causing damages to a nearby shop by throwing brickbats. I.C., Golabari P.S. cautioned the unruly mob not to push the police forcibly. After verbal cautions by police officials yielded no result, I.C., Golabari P.S. along with the accompanying police personnel resorted to lathi charge, dispersed the mob and the situation was brought under control. It was stated in the report of Addl.S.P. that from discreet and local enquiry it could be ascertained that three persons including Anup Chakraborty instigated and abetted the unruly mob in an unlawful assembly in order to obstruct police at the time of discharge of their duty. Accordingly,

Golabari P.S. Case No.26/10 dt.30-1-2010 u/s

147/148/149/323/427/186/160/109 IPC was registered. I.C., Golabari P.S. also arrested three persons including the complainant, Anup Chakraborty. It was also stated in the report of the Addl. S.P. that the accused persons refused to sign the arrest memo and to undergo their medical checkup. However, in the meantime, supporters of all the major political parties gathered around police station and demanded the release of the accused persons. As the case was bailable, accused persons were offered bail but Anup Chakbraorty did not agree to sign bail bond stating that if necessary he would appear before the Ld. Court with the other two accused persons. Addl.S.P. further stated in his report that since the representatives of the political parties were insisting I.C., Golabari P.S. allowed Anup Chakraborty and two other accused persons to go by taking verbal assurance from them to appear before the Ld. CJM, Howrah in connection with above case.

4. The Commission considered the matter and decided to examine Sukesh Kumar Jain, Addl.S.P. (Town) and Utpal Roy, thethen I.C. of Golabari P.S.

5. Sukesh Kumar Jain, IPS stated in his evidence that he enquired into the matter and submitted the report to the S.P., Howrah. He also admitted that all the accused persons were released from the Police

Station without taking any bail bond from them by order of the I.C., Golabari P.S. He further admitted that this release was made under the pressure of major political parties although offences against these accused persons were bailable. The case has since ended in charge sheet.

6. Utpal Roy, the then I.C. of Golabari P.S. admitted in his evidence before the Commission that all the accused persons were released from the Police Station without taking any bail bond due to pressure of major political parties.

7. From the analysis of the evidence and materials on record it clearly shows that complainant, Anup Chakraborty along with two others were arrested on 30-1-2010 in a case started suo motu under the direction of I.C., Golabari P.S. Case No.26/10 dt.30-1-2010 u/s 147/148/149/323/427/186/160/109 IPC. The accused persons were kept in custody. But thereafter, under the pressure of all major political parties all the three accused persons were allowed to leave the Police Station without signing any bail bond. In course of evidence, the Commission repeatedly asked I.C., Golabari P.S. whether such release of accused persons without execution of bail bond was correct or not. The Commission noted that the witness kept mum and appeared to be disgusted when he was asked as to whether he had committed any legal

mistake by releasing the accused persons after their arrest from the Police Station without taking any bail bond.

8. Thus, it is clear that Utpal Roy, the then I.C., Golabari P.S., an experienced officer in the rank of Inspector acted illegally in releasing the accused persons without obtaining the bail bond merely on the insistence of the local political parties. Such action on the part of a responsible Officer-in-Charge of an important Police Station sends out a wrong signal and such practices must be discouraged to uphold the Rule of Law in the state.

9. Accordingly, the Commission recommends that Utpal Roy, the then I.C. of Golabari P.S., Dist – Howrah be suitably cautioned by the State Government to ensure that he acts in accordance with law in future.

10. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendation within a period of two months from the date of communication.

sd/-

(S.N. Roy)
Member

sd/-

(Justice N.C. Sil)
Member

sd/-

(Asok Kumar Ganguly)
Chairperson

Dated: Kolkata, the 10th July, 2012

Comments of the State Government will be uploaded as and when received.

Sd/- (10/07/2012)
(J. Sundara Sekhar)
Secretary & CEO