

03.06.2025
(S/L. 01)
Ct.-07
(Susanta
Aminur)

W.P.A. 12361 of 2025

Shamishta Panoli @ Sharmishta Panoli Raj
-Vs-
The State of West Bengal & Ors.

Mr. D. P. Singh, Sr. Adv.,
Mr. Nilanjan Bhattacharjee, Sr. Adv.,
Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Kabir Shankar Bose,
Mr. Brijesh Jha,
Mr. Vikash Singh,
Mr. Satadru Lahiri,
Mr. Mannu Mishra,
Mr. Kanchan Jaju,
Mr. Sudarshan Kumar Agarwal,
Ms. Vanshika Lamba,
Ms. Ditsha Dhar,
Mr. Ujwal Choudhary,
Ms. Tejswi Jatt,
Mr. Soumya Sarkar,

.... For the Petitioner.

Mr. Kalyan Bandopadhyay, Sr. Adv.,
Mr. Swapan Banerjee,
Mr. Saibal Bapuli,
Mr. Madhusudan Sur,
Ms. Sunita Shaw,
Mr. D. N. Banerjee,
Mr. Arka Kumar Nag,
Mr. Soumen Chatterjee,

.... For the State.

1. A 22-year-old law student allegedly made certain remarks on social media during the post-operation "Sindoor" period, in response to comments made by a Pakistani national. These remarks led to the institution of four criminal cases in the State of West Bengal.
2. One Garden Reach P.S. Case No. 136 of 2025 dated 15th May, 2025, under Sections 196(1)(a)/299/352/353(1)(c) of the Bharatiya

Nyaya Sanhita, 2023 (in short, BNSS), was registered on the basis of a complaint lodged by one Wazahat Khan, who claims to be the General Secretary of the Rashidi Foundation, having its registered office at Garden Reach, Kolkata.

3. In the F.I.R., it was, inter alia, alleged that the petitioner made certain blasphemous remarks against the Prophet of Islam in an abusive manner, thereby hurting the sentiments of the Muslim community across the country and disturbing the societal harmony of the City.
4. The petitioner was arrested in Gurugram, Haryana, on 31.05.2025 and subsequently brought to Kolkata on transit remand. The petitioner is currently lodged in judicial custody.
5. In view of the aforesaid circumstances, the petitioner has preferred this writ petition praying for an order quashing all the First Information Reports and the cases initiated against her. Additionally, the petitioner contends that she has been illegally arrested and, therefore, prays for interim bail. Alternatively, she seeks a direction for the consolidation of all such FIRs and for an order directing a neutral investigating agency to conduct the investigation.
6. Mr. Singh, learned Senior Advocate representing the petitioner, submits that following the incident, certain individuals belonging to that community assembled in front of the petitioner's residence,

abused her using foul language, and threatened her with dire consequences. He further submits that the petitioner's modesty was outraged through various disparaging and offensive remarks made against her.

7. Faced with such a situation, the petitioner lodged two complaints, one of which was filed before the Cyber Cell of Kolkata. However, despite receiving both complaints, only one case was registered, and no further action has been taken against the offender(s).

8. Mr. Singh submits that the petitioner's father has consistently cooperated with the investigating agency, and the petitioner herself attended the concerned police station. However, feeling insecure, she took shelter at the residence of her relatives in Gurugram, Haryana, on May 20, 2025. He further submits that a case was registered on May 15, 2025, and a warrant of arrest was issued on May 17, 2025. Despite this, no notice under Section 35(b) of the BNSS was served upon the petitioner. The petitioner was subsequently arrested by the police authorities in Gurugram, Haryana, without being informed of the grounds for her arrest, thereby violating the provisions of Article 22 of the Constitution of India.

9. Mr. Singh further submits that the petitioner's detention and/or arrest is illegal, and accordingly, immediate intervention by this Court is required.

He submits that the petitioner be granted interim bail.

10. Mr. Kalyan Bandyopadhyay, learned Senior Advocate appearing for the State, vehemently opposes the petitioner's contentions. He submits that a specific case was registered against the petitioner and that she was arrested in connection therewith. The petitioner was brought within the jurisdiction of the Alipore Court on transit remand and was subsequently produced before the concerned Magistrate in accordance with law. The said Court has refused to grant her bail.
11. Mr. Bandyopadhyay asserts that the grounds of arrest were disclosed to the petitioner and, in support of his contention, produced a document titled "Intimation of Grounds of Arrest" issued under Section 47 of the BNSS, 2023.
12. Mr. Bandyopadhyay contends that a notice under Section 35(b) of the BNSS was also issued against the petitioner. However, as the matter was brought before the State on short notice, the State is presently unable to produce the documents relating to Garden Reach P.S. Case No. 136 of 2025. He therefore submits that the State be granted an opportunity to produce the relevant documents and to address the issues raised by the petitioner in this writ petition.

13. Heard learned advocates appearing for the respective parties and perused the materials on record.
14. Admittedly, in a country like ours, people of different faiths, communities, and linguistic backgrounds coexist. Therefore, one should exercise caution when making any comments in the media or before the public. The Hon'ble Supreme Court, in a series of judgments, has condemned incidents of hate speech, dog-whistling, and making disparaging remarks that may hurt any section of the people of our country.
15. Before the Court, no materials have been produced to show the exact comments made by the student, nor have any documents been submitted to indicate whether a notice under Section 35(b) of the BNSS was issued in favour of the petitioner. However, as noted earlier, the State has produced a document titled "Intimation of Grounds of Arrest" and contends that the grounds of arrest were disclosed to the petitioner in compliance with the provisions of Article 22 of the Constitution.
16. Therefore, in view of the above, I am of the opinion that the State should be afforded an opportunity to produce the relevant documents and address the issues raised by the petitioner.
17. Admittedly, the petitioner has been arrested in connection with Garden Reach P.S. Case No. 136 dated May 15, 2025. I have been informed that this

is the earliest case based on the time of its institution.

18. Such controversial remarks often lead to the registration of multiple FIRs across different parts of the State. Recently, the Hon'ble Supreme Court, while adjudicating one such case, granted interim protection and stayed the lodging of any further FIRs based on the same set of allegations. (See, the decision rendered in case of *Ranveer Gautam Allahabadia v. Union of India*, 2025 SCC OnLine SC 698).

19. Useful reference may also be made to the decisions of the Hon'ble Supreme Court in *T.T. Antony v. State of Kerala & Ors.* reported in (2001) 6 SCC 181 and *Babuvai v. State of Gujarat & Ors.* reported in (2010) 12 SCC 254.

20. In the present case, it is submitted that four FIRs have been lodged against the petitioner based on the same set of allegations. Therefore, the test of sameness is applicable. Taking note of these facts and applying the principles laid down in *T.T. Antony* (supra), I am inclined to direct that Garden Reach Police Station Case No. 136 of 2025 shall be treated as the principal case, and all other cases registered on the identical set of allegations and/or cause of action shall remain stayed until the disposal of this writ petition.

21. The State is also directed to ensure that no further case and/or FIR is registered arising out of the

same cause of action and/or similar set of allegations against the petitioner.

22. As noted earlier, the Court is inclined to examine the materials collected by the State so far against the petitioner in connection with Garden Reach P.S. Case No. 136 of 2025. However, considering that personal liberty is involved, the matter shall be listed before the next Vacation Bench on June 5, 2025, at the top of the list.

23. At this stage, Mr. Singh submitted that the petitioner is being denied permission to wear the clothes supplied by her parents and is not being provided with essential materials.

24. In response, Mr. Bandyopadhyay, appearing for the State, submits that all facilities available to other inmates in custody shall also be provided to the petitioner in accordance with law.

25. In view of such submission advanced on behalf of State, no order needs to be passed at this stage.

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

(Partha Sarathi Chatterjee, J.)