

25.01.2022

Sl. No. 05.

Mithun

Ct.No.42.

CRM(SB)/4/2022

(Via Video Conference)

In re: An application under Section 389 of the Code of Criminal Procedure, 1973 in connection with Chandrakona P.S. Case No.446/2021 dated 17.11.2021 under Sections 363/365 Indian Penal Code, G.R. No.1375/2021 pending before the Court of the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipore, order dated 22.12.2021 passed by the learned Additional Chief Judicial Magistrate, Ghatal Paschim Medinipore.

In the matter of : **Debdas Roy.**

...Petitioner.

Ms. Papiya Chattopadhyay, Adv.

... for the petitioner.

Md.Anwar Hossain, Adv.

Ms. Sreyashee Biswas, Adv.

...for the State.

The daughter of the *de facto* complainant who was aged about 18 years and few months on 9th November, 2021 was found missing. The parents and other relatives conducted through search of their daughter, but in vain. Subsequently, the younger sister of the missing girl came to know that she crossed the international border of India and Bangladesh and went to Bangladesh and married a Mohammedan boy who happens to be her facebook friend.

Till date the girl has not been recovered.

The present petitioner is one Debdas Roy of Village and P.O. Duttapara within the police station Swarupnagar, who was apprehended during investigation of the case and allegedly made a statement under Section 161 of the Code of Criminal Procedure before the Investigating Officer stating, *inter alia*, that he and his father are involved in illegal trade and facilitating people for illegal crossing the boarder between India and Bangladesh. It is also his statement under Section 161 of the Code of Criminal Procedure that he helped the victim girl to cross the boarder of India and Bangladesh on receipt of certain money.

Apart from such statement under Section 161 of the Code of Criminal Procedure, there is nothing against the petitioner. The said statement is not admissible. The Investigating Officer did not take any attempt to ascertain the whereabouts of the victim girl. No attempt was also taken to corroborate the statement of the petitioner. Even the sister and mother of the victim girl did not implicate Debdas in aiding or abetting the offence. Under such circumstances, I am inclined to release the petitioner on bail.

The petitioner may find bail of Rs.20,000/- of two sureties of Rs.10,000/- each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur with further conditions that if on bail, he must meet the Investigating Officer once in a week until further order or till the completion of the investigation of this case, whichever is later.

Violation of any of such conditions will entail cancellation of bail without further reference to this Bench.

Parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)