

05.01.2024
SL No.01
Court No.8
(gc)

WPA(H) 72 of 2021

Buddhadeb Bhowmick
Versus
State of West Bengal & Ors.

Mr. Srijib Chakraborty, Adv.
Mr. Suryaneel Das, Adv.
Mr. Chiranjit Pal, Adv.
Mr. D. Kar, Adv.

...for the Petitioner.

Mr. Anirban Ray, Ld. G.P.,
Mr. Biswabrata Basu Mallick, Ld. A.G.P.,
Ms. Amrita Panja Maulik, Adv.

...for the State.

1. The three reports filed by the Superintendent of Police, Howrah (Rural) District, the Commissioner of Police, Kolkata and the Deputy Inspector General of Police (SP), CID, West Bengal, are perused and taken on record. It appears that the missing person was suffering from physiological problem. The C.C.T.V. footage also shows that a person left the Correctional Home in the evening which is identified by the police authorities as the missing person. He was granted bail by the A.C.J.M., Uluberia and as such there was no requirement for the police authorities to take him into custody and the missing person was released from the gate of the Correctional Home by the police

authorities. It is true that the son of the deceased came to know about the release of his father later on. But it appears that there was no negligence as such of the police authorities in releasing the missing person from the custody as we are of the view that the police authorities could not have taken the missing person into custody after the bail was granted and bail bond was furnished on his behalf. It is the duty of the son to be present when the bail application was moved and the leave was granted.

2. Appreciating the anxiety expressed by the petitioner, we direct the C.I.D., Missing Person Squad to continue with the investigation and inform the petitioner about the progress of the investigation on a quarterly basis.
3. We hope and trust that the C.I.D., Missing Person Squad shall make all attempts to find out whereabouts of the missing person and shall publish the photographs of the person in all the leading newspapers and also in the electronic media within a fortnight from date.
4. We also direct the A.D.G., Correctional Home to immediately implement the direction with regard to the installation of C.C.T.V.s in terms of the judgment of the Hon'ble

Supreme Court in ***Paramvir Singh Saini Vs. Baljit Singh & Ors.*** reported at ***(2021) 1 SCC 184.***

5. The Kolkata Police shall render all assistance to the C.I.D. in implementing this order.
6. Accordingly, the application being WPA (H) 72 of 2021 is disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)