

S/L 1  
30.12.2021  
Court. No. 16  
GB/SD

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WPA(H) 72 of 2021

Buddhadeb Bhowmick  
Vs.  
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Srijib Chakraborty,  
Mr. Suryaneel Das.*

*... for the Petitioner.*

*Mr. Anirban Roy,  
Mr. Amitesh Banerjee,  
Mr. Raja Saha,  
Mr. Biswabrata Basu Mallick.*

*... for the State.*

The report filed by the Superintendent, Presidency Correctional Home, West Bengal is before this Court.

According to the report, the accused, Ranjit Bhowmick was released on bail by the learned ACJM, Uluberia on December 21, 2021. The bail bond was furnished before the learned court itself and the learned court directed that the accused be released at once. It has been stated in the report that the accused was thereafter taken to Presidency Correctional Home to check if there was any other case pending against him. When it was found that no other case was pending against the said accused, the accused was released forthwith on December 21, 2021.

Surprisingly, the report is silent as to the time when the accused was taken to the Presidency Correctional Home and ultimately at what time the accused was released. From a

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copy of the register, it appears that the order of the learned Magistrate was received at around 6.35 p.m.

This Court is not satisfied with the report filed today. Prima facie, it appears that the authorities of the Presidency Correctional Home have not proceeded according to the jail code.

The contention of the learned Government Pleader is that the accused was not taken back into jail but released from the office of the superintendent without making an entry in the register because there was no other case pending against him and also because the learned court below had directed the accused be released forthwith. This is not acceptable by the Court. The learned Government Pleader has also submitted that the Superintendent, Presidency Correctional Home is present before this Court, and the said Ranjit Bhowmick was not taken back into jail custody after his return from court.

The jail authorities have not proceeded according to law as it prima facie appears to this Court. The apprehension of the family of the accused is that the accused succumbed to his illness in jail and the factum of death has not been correctly reported.

The learned Government Pleader, however, submits that at 7.52 p.m. the accused was released whereas, the said fact has not been recorded in the report. It is also a matter of serious concern that the accused was released without any entry being made in the relevant register and that too at 7.52

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p.m. In view of the procedural irregularity and also in view of the discrepancy in the statements made before this Court with those in the report, this Court is of the opinion that a further report be produced before the learned regular bench with regard to the attempt made for recovery of the accused Ranjit Bhowmick. It is the duty of the authorities to ensure that the accused is recovered especially because the family contends that the accused went missing from the said correctional home.

It is also made clear that the CCTV footage of the recording of December 21, 2021 in the office of the Superintendent, Presidency Correctional Home shall be produced before the Court in order to substantiate that the accused was brought back from Court and made to sit in the office and thereafter released at 7.52 p.m.

Such CCTV footage and further report be produced before the regular bench and the Superintendent, Presidency Correctional Home shall also be present with the original register and other documents showing release of the accused from the correctional home.

Let this matter appear on January 4, 2022 before the Regular Bench.

**(Shampa Sarkar, J.)**

**(Bibhas Ranjan De, J.)**