

14-09-2020
Subrata/Subha
Item no.25

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.6309 of 2020

Mihir Roy & Anr.

-vs-

The State of West Bengal

with

CRAN No.1 of 2020

(via video-conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Dhantala P.S. Case No.37 of 2020 dated January 23, 2020 under sections 341/326/307/34 IPC and sections 26/27 Arms Act.

Mr. Prabir Majumder

...for the petitioners

Ms. Faria Hossain

Mr. Subrata Roy

... for the State

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within a month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. CRAN No.1 of 2020 is disposed of.

It is submitted on behalf of the petitioners that the prime accused, Tanmoy Roy, fired a bullet from his 9-mm pistol and has been released on bail. Therefore, his clients should be released on anticipatory bail.

We have perused the case diary produced on behalf of the State and have heard the submissions of the parties.

On going through the case diary, particularly, the statements recorded under section 161 CrPC of the eye-witnesses appearing at pages 11 and 12 of the case diary and the victim's statement at page 23 of the case diary revealing that all the accused persons were together at the time of commission of offences, we are unable to accept the prayer for anticipatory bail of the petitioners. However, on perusal of the report filed by the learned advocate for the State that Tanmoy Roy was released by the learned court below on statutory bail, since charge-

sheet was not submitted within the stipulated period of 90 days. Definitely, these petitioners cannot get the same advantage. We, therefore, reject the prayer for anticipatory bail of the petitioners.

The report filed in court today be taken on record.

[Abhijit Gangopadhyay, J]

[Sahidullah Munshi, J]

