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03.03.2021
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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No. 6441 of 2021

**Sagar Paik & Anr.
-Vs.-
Union of India & Ors.**

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Mr. Priyabrata Saha,
Ms. Parna Mukherjee
...for the petitioners

Mr. Y.J. Dastoor,
Mr. Siddhartha Lahiri,
Mr. Rajesh Kumar Shah
...for the Union of India

The present challenge has been preferred against a notice to witness, issued to the petitioners by the Central Bureau of Investigation (respondent no. 2 in the present writ petition).

Such notice, annexed to the writ petition, clearly shows that it was issued under Section 160 of the Code of Criminal Procedure. Since the respondent no. 2, an investigating agency, was well within its power to issue such notice, there is no scope of interference by the court at this juncture.

As regards the other apprehension of the petitioners that they may be arrested when they

appear for interrogation, there is no available material sufficient to come to a prima facie presumption regarding such apprehension. That apart, the petitioners have an alternative remedy of praying for anticipatory bail before the appropriate court in the event they apprehend arrest and/or to pray for bail in the event they are arrested, under the relevant provisions of the Code of Criminal Procedure.

In such view of the matter, there is no scope of interference in the present writ petition. Accordingly, W.P.A. 6441 of 2021 is dismissed, with liberty to the petitioners to approach the appropriate forum seeking anticipatory bail and/or bail, as the case may be, if they so choose.

If such an approach is made, the same shall be disposed of in accordance with law without being unduly prejudiced by any of the observations made herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)