

19.11.2025
Court No.35.
D/L. 46.
Rakib
(rejected)

CRM (M) 551 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachawk Police Station Case No. 1569 of 2024 dated 02.10.2024 under Sections 179/180/3(5)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Sanjoy Projapati @ Sanjay Prajapat & Anr.

.....Petitioners.

Mr. Purbayan Chakraborty
Ms. K. Kubra

.....for the Petitioners.

Mr. Debasish Roy, Ld. PP.
Ms. Amita Gaur
Ms. Sudeshna Das

.....for the State.

Learned advocate appearing for the petitioners submits that the petitioner was not supplied the grounds of arrest in writing and as such pursuant to the judgment passed in Vihan Kumar -Vs. - State of Haryana & Anr. reported in 2025 SCC OnLine SC 269, the petitioners are entitled to be released on bail. The petitioners were arrested on 01.10.2024 and as such submit that since the further remand orders which were passed were not inconsonance with law as has been settled by the Hon'ble Apex Court, the petitioners may be released on bail.

Learned Public Prosecutor appears on behalf of the State and opposes the orders canvassed. Reference has been made to the judgment of Mihir Rajesh Shah -Vs. - The State of Maharashtra & Anr. reported in 2025 SCC OnLine SC 2356.

Both the learned counsel have referred to the relevant paragraphs. I have taken into account the point which was canvassed by the Hon'ble Supreme Court relating to the applicability of Section 50 of Cr.P.C./Section 47 of BNSS.

Having considered that the Hon'ble Apex Court was pleased in paragraph 58 to hold as follows:

“58. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth.”

I am of the view that the principles and/or time from which the applicability relating to supply of grounds of arrest in writing would apply is from the date of delivery of judgment of *Mihir Rajesh Shah –Vs. – The State of Maharashtra & Anr.*

Consequently, CRM (M) 551 of 2025 is dismissed.

Learned Registrar General, High Court, Calcutta is directed to circulate the judgment of the Hon'ble Supreme Court emphasizing paragraph 58 of the said judgment along with the present order.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)