

14. 27.02.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 698 of 2025**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with CBI/SCB/Kolkata RC Case No. 056/2021/S0041 dated 21.9.2021 arising out of **Jhargram** Police Station Case No. **55/2021** dated **21.3.2021** under Sections **143/144/147/148/149/302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **UTPAL NAYEK AND ORS.**

...petitioners.

Mr. Navanil De
Mr. Shoumilya Mazumder

...for the petitioners.

Mr. Amajit De, Spl. PP, CBI

...for CBI.

Dictated by Arijit Banerjee, J.

1. Report filed by Central Bureau of Investigation (CBI) be kept with the records.
2. The petitioners claim parity. The petitioner nos. 1 and 3 are in custody for about three years. The petitioner no.2 is in custody for about two years and 11 months. They cite orders dated September 4, 2024 and January 17, 2025, passed in CRM (DB) 1679 of 2024 and CRM (DB) 3390 of 2024, respectively, whereby two co-accused persons by the names of Swapan Kumar Paira and Sailen Giri @ Shailen Giri, respectively, were enlarged on bail by co-ordinate Benches of this Court on the touchstone of Article 21 of the Constitution of India, due to delay in progress of trial and prolonged detention of the accused persons. The petitioners say that they stand on the same footing as those two accused

persons insofar as the period of detention and delay in trial are concerned.

3. Leaned Advocate for CBI, while opposing the prayer for bail, in his usual fairness, does not dispute that insofar as the period of detention and delay in progress of trial are concerned, these petitioners are similarly circumstanced as the aforesaid two accused persons who have already been enlarged on bail.
4. Hence on the ground of parity, we allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely, **1. UTPAL NAYEK, 2. CHITTARANJAN ROUTH @ CHITTARANJAN ROUT, 3. ARUP GIRI** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jhargram, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall not enter the geographical limits of the district of Jhargram except for the purpose of attending Court proceedings and shall also furnish the local address where they will be residing to the Officer-in-Charge of Jhargram Police Station and shall meet the Officer-in-

Charge of the Police Station within whose jurisdiction they will be residing, once in a week, until further orders.

6. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 698 of 2025 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)