

53.
17-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3390 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jhargram Police Station Case No. 55 of 2021** dated **21.03.2021** under **Sections 143/144/147/148/149/302/34** of the Indian Penal Code.

And

In the matter of : Sailen Giri @ Shailen Giri.
.....Petitioner.

Mr. Sakabda Roy,
Mr. Anindya Halder,for the Petitioner.

Mr. Amajit De, Special PP, CBI
.....for the CBI.

Dictated by Arijit Banerjee, J.

1. Report filed by the CBI be kept with the records.
2. The petitioner claims parity citing orders dated September 4, 2024 and October 8, 2024, passed in CRM (DB) 1679 of 2024 and CRM (DB) 3313 of 2024 respectively, whereby co-accused persons namely, Swapan Kumar Paira and Bijay Patra @ Bijoy Patar were granted bail by this Bench only on the touch stone of Article 21 of the Constitution of India in view of lengthy detention of the said persons. The petitioner says that he stands on the same footing as those persons. He is in custody for around 2 years and 11 months.
3. Learned counsel for the CBI, while opposing the prayer, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Swapan Kumar Paira and Bijay

Patra @ Bijoy Patar in so far as period of detention and delay in progress of the trial is concerned.

4. Hence, on the ground of parity and noting that only 8 out of 92 chargesheet named witnesses have been examined till date, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sailen Giri @ Shailen Giri** shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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 the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Jhargram District and shall also furnish the local address where he will be residing to the Officer in Charge of the concerned police station and shall report to the Officer in Charge of the concerned police station once in a week until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)