

19.03.2025
Serial no. 23
[Dd]
(Bail Rejected)

CRM(DB) 4348 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **FIR No. RC0102023A0005** under Sections **120B, 34, 420, 467, 468 and 471 of** Indian Penal Code, 1860 and Sections **12, 13(2), 7, 7A** and **8** of Prevention of Corruption Act, 1988 (as amended by Prevention of Corruption Act, 2018)

-And-

In the matter of : AYAN SIL... ..Petitioner

Mr. Misha Rohatgi Mohta,
Ms. Shahina Haque,,
Ms. Moumita Kumar,
Mr. Ayush Kashyap, Advocates
... .. For the Petitioner

Mr. Dhiraj Trivedi, Sr. Adv., DSGI
Mr. Avmajit De, Spl, PP, CBI
Mr. Arijit Majumdar,
Ms. Swapna Jha, Advocates
... ..For the CBI

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, 17 municipalities are involved with the Investigating Agency submitting a charge sheet in respect of one only. Therefore, there is hardly any likelihood of the trial commencing any time soon, let alone, concluding. She points out that the petitioner is in custody in excess of 11 months without the possibility of a commencement of the trial in the near future. She seeks bail on the basis of Article 21 of the Constitution of India.
3. Learned Deputy Solicitor General appearing for the Central Bureau of India (CBI) submits that, the investigations are on going. There are 17 municipalities involved where, appointments were given illegally. He draws the attention of the Court to the memo of evidence as against the petitioner

as well as the relevant case diary. He submits that there are sufficient materials on record to implicate the petitioner. He points out that, the CBI seized OMRs of persons who received appointments and that such OMRs are of candidates who were given appointments and that the marks of such MOR sheets do not match the numbers on the basis of which, such persons were given the appointments.

4. There are sufficient materials implicating the petitioner in facilitating grant of appointments to candidates who are not entitled to appointments in municipalities. Investigations are on going. Period of custody is not such so as to invoke Article 21 of the Constitution of India at this stage.
5. Involvement of the petitioner manipulating the appointments through, *inter alia*, OMR transpires from the case diary.
6. Enlarging the petitioner is likely to derail the investigation. In any event, it will send a wrong signal to the society given the gravity of the offence and the involvement of the petitioner therein.
7. In such circumstances, we are not inclined to grant bail to the petitioner.
8. Prayer for bail of the petitioner is **rejected**.
9. **CRM(DB) 4348 of 2024** is **dismissed**.

(Debangsu Basak, J.)

(Smita Das De, J.)