

29.09.2023.
39.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3771 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.193 of 2022 dated 29.04.2022 under Sections 395/412/363/368/342/120B/34 of the Indian Penal Code.

In the matter of : **Henry Robert Mahato @ Ajoy.**
... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Kunal Ganguly.
...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.
...for the State.

1. Petitioner is in custody for over 500 days. He contends there was irregularity in Test Identification Parade and co-accused have been granted bail. Vehicle was recovered from one of them. He renews his bail prayer.

2. Learned Advocate for the State opposes the bail prayer. He contends prayer for Test Identification Parade had been made with regard to the petitioner whereas no such prayer was made with regard to co-accused. Hence, petitioner does not stand on the same footing with the said co-accused who have been enlarged on bail in view of the aforesaid defect in T. I. Parade examination.

3. We have considered the materials on record. During investigation, investigating agency prayed for T. I. Parade examination of the petitioner. He was identified by witnesses. But other co-accused were produced and identified without prayer from police.

4. In view of such irregularity, they have been enlarged on bail. Similar defect does not apply to the identification of the petitioner during T. I. Parade examination. His bail prayer has been rejected on merits earlier.

5. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of the petitioner is rejected.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)