

11.06.2024  
Item no.31.  
Court No.28.  
S. De  
(Rejected)

**CRM (DB) No. 1594 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

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

**.....Petitioner.**

Mr. Ayan Basu,  
Sk. Salim,  
Mr. Sumit Routh,  
.....for the Petitioner.

Mr. Rana Mukherjee, Ld. APP  
Ms. Paulomi Bose, .....for the State.

The petitioner renews his prayer for bail. His prayer was rejected earlier by orders dated May 15, 2023 passed in CRM (DB) 1918 of 2023 and September 29, 2023 passed in CRM (DB) 3771 of 2023.

The petitioner says that he is one of the five accused persons. The other four persons have already been enlarged on bail. Two of the accused persons have been granted bail by this Court and the other two persons were enlarged on bail by the learned Trial Court. The petitioner cites an order dated April 17, 2023 whereby the bail application of a co-accused being Mukesh Shrestha @ Mukesh Sreshtha (CRM (DB) 1496 of 2023) was allowed by a Co-ordinate Bench. Learned advocate for the petitioner says that the present petitioner stands on the same

footing as Mukesh Shrestha @ Mukesh Sreshtha. Hence, he should be enlarged on bail.

Mr. Mukherjee, learned APP representing the State produces the case diary and draws our attention to the relevant material therein. Prima facie, there appears to be incriminating evidence against the petitioner.

We do not think that the petitioner and Mukesh Shrestha @ Mukesh Sreshtha stand on the same footing. We find from the records that a prayer was made by the Investigating Officer for holding T.I. Parade in respect of Mukesh Shrestha @ Mukesh Sreshtha. However, the Co-ordinate Bench which considered the bail application of Mukesh Shrestha @ Mukesh Sreshtha, was not properly assisted and such prayer of the Investigating Officer was not brought to the notice of the Hon'ble Bench. If the factum of such prayer was drawn to the notice of the Bench, it is possible that the Bench may not have granted bail to Mukesh Shrestha @ Mukesh Sreshtha.

In the present case, prayer has been made by the Investigating Officer for holding T.I. Parade in respect of the petitioner. Therefore, there is no procedural irregularity in that regard.

On an overall assessment of the facts and circumstances of the case and the material on record, we are not inclined to enlarge the petitioner on bail, at this stage.

Mr. Mukherjee, learned APP says that June 12, 2024 has been fixed as the date for framing of charges. Let that be done

without any adjournment. Further, since the petitioner is in custody for more than two years, we request the learned Trial Court to expedite the trial and bring the same to its logical conclusion at the earliest.

The application for bail is, accordingly, rejected.

CRM (DB) 1594 of 2024 is dismissed.

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.)**