

13.03.2023.  
36.  
Ct.No.28  
as  
(Rejected)

**C.R.M. (DB) 881 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar P.S. Case No.09 of 2022 dated 08.01.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Bikas Dolai @ Bikash Dolui.  
... Petitioner.

Mr. Amit Ranjan Pati.  
...for the Petitioner.

Mr. Sudip Ghosh,  
Mr. Apurba Kr. Datta.  
...for the State.

Petitioner is in custody for 421 days. He contends co-accuseds are on bail. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is one of principal accuseds who struck the victim. The other accused similarly circumstanced with the petitioner was enlarged on bail as she is a lady.

We have considered the materials on record. Petitioner is one of the principal accuseds. The other principal accused being a lady had been enlarged on bail.

In view of the aforesaid fact and the principal role played by the petitioner in the crime, we are not inclined to grant bail to the petitioner.

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

However, we request the trial court to consider the issue of framing of charge on the next date fixed before it and if it is

unable to do so positively within two months thereof and in the event charge is framed to take the proceeding to its logical conclusion with utmost expedition without granting unnecessary adjournment to either of the parties.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**