

28.11.2023  
tkm/ct 28  
sl no.66

**C.R.M. (DB) 4441 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bally PS case no. 56 of 2023 dated 24.5.2023 under sections 363/366A/376/506/120B IPC

And

In Re : Sankar Prasad @ Sankar Singh ..... petitioner

Mr. S Pachhal

..... for the petitioner

Mr. Avishek Sinha

..... for the State

1. Petitioner submits co-accused is on bail. He is in custody for 185 days. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He contends petitioner committed rape on the victim girl.

3. We have considered the materials on record. Petitioner and co-accused Giriraj committed rape on the victim girl. He does not stand on the same footing with the co-accused who have been enlarged on bail. Keeping in mind the role of the petitioner in the crime and the gravity of offence , we are not inclined to grant bail to the petitioner.

4. Accordingly, prayer for bail is rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**