

16.07.2021

Court No.28  
Item No.9  
(REJECTED)

Akd/Ab

**CRM 1291 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 01.02.2021 in connection with Kotwali Police Station Case No. 587 of 2020 dated 17.08.2020 under Sections 376/120B/326 of the Indian Penal Code;

And

In the matter of : **Bikash Hari.**

**...Petitioner.**

**Mr. Amit Singh.**

**...For the Petitioner**

**Mr. P. K. Dutta,**  
**Mr. Santanu Deb Roy.**

**... For the State**

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 587 of 2020 under Sections 376/120B/326 of the Indian Penal Code.

The learned Advocate for the petitioner submits that subsequent to the registration of the instant case, the victim lady has showed her intention not to proceed against the petitioner and, in fact, submitted before the trial court that the bail may be granted to the petitioner, but that itself does not mean that the Court will go at the dictate of the defacto complainant once the allegation of commission of offence is surfaced and prima facie evident from her statement recorded under Section 164 of the Code of Criminal Procedure.

The application for bail, being CRM 1291 of 2021, is thus **rejected.**

**(Harish Tandon, J)**

**(Subhasis Dasgupta,J.)**

