

12.10.2023
ML. 41
Court No. 29
Suvayan

C.R.M. (A) 4130 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Murshidabad** Police Station Case No. **307 of 2022** dated **02.06.2022** under Sections **376/370/370A/372/373/120B** of the IPC and Sections **3/4/5/7** of the ITP Act and Sections **6/12/17** of the POCSO Act.

And

In the matter of: **Lovely Bibi**

....petitioner.

Ms. Shabana Hasin

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

1. Heard learned Advocate for both the parties.
2. Affidavit-of-service filed by the learned Counsel for the petitioner be taken on record.
3. Proclamation having already been issued under Section 82 of Cr.P.C. on 07.09.2022 and this petition for anticipatory bail having been filed on 12.09.2023, the present petition under Section 438 Cr.P.C. is not maintainable in view of judicial dictums.
4. However, the petitioner being a lady, she may appear before the competent Court if, she is so advised, within 15 days of the reopening of the Court after ensuing Puja Vacation giving three days advance notice to the learned PP/APP attached to that Court. If she appears and file application for bail, such bail application shall be disposed of on merit in accordance with law after hearing learned Counsel for both the parties and by finding out whether the petitioner being a lady has any role in the entire transaction.
5. The application being **CRM (A) 4130 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

