

26.09.2025

Item No.12

Ct.No.34

rc.

Allowed

C.R.M. (M) 1324 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kandi Police Station Case No. 600 of 2023 dated 04.10.2023.

And

In Re : **Lovely Bibi**

... Petitioner

Mr. Sandipan Ganguly

Md. Hafiz Ali

... for the Petitioner

Mr. Rudradipta Nandy

Mr. Anand Kesari

Ms. Eshita Dutta

... for the State

The petitioner is in custody for more than a year and prays for bail.

Heard learned counsels for the parties.

Learned counsels for the State opposes the prayer.

The order dated September 12, 2025 records that the petitioner sought pardon under Section 306 of the Code of Criminal Procedure and her statement was recorded under Section 164 of the Code. When she was examined as an approver by the prosecution, she prevaricated from her earlier statement in violation of the conditions laid down under Section 306 of the Code for which an application was filed under Section 308 of the Code before the learned trial

Court. The petitioner filed an objection to the said application and submitted that she did not intend to prevaricate from her earlier statement and was ready and willing to adduce evidence as an approver.

By an order passed on September 08, 2025 learned trial Court has dealt with the application under Section 308 of the Code and has kept the issue open till conclusion of trial.

Trial is in progress. Some of the co-accused have been granted bail earlier.

In view of the material on record and extent of complicity of the petitioner in the alleged offence, this Court is inclined to hold that further detention of the petitioner is not required and she may be released on bail.

Accordingly, prayer for bail is allowed.

The petitioner **Lovely Bibi**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Calcutta subject to condition that she shall remain within the jurisdiction of the learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer in Charge of the concerned police station under whose jurisdiction she shall henceforth reside. She shall provide her mobile phone number to the above mentioned authorities and shall not change the same without prior

intimation to them. She shall appear before the learned trial Court on every date of hearing. She shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)