

**26.05.2022**

Sl. No. 63

Srimanta

Ct.No. 05

**CRM (A)/2411/2022**

In Re : An application for anticipatory bail under Section **438** of the Code of Criminal Procedure, 1973 in connection with the **Titagarh** Police Station Case No. **20/2022** dated **06.01.2022** under Sections **498A/306** of the Indian Penal Code, 1860.

In the matter of : **Smt. Dayamoyee Koner**

**...petitioner.**

Mr. Debasis Kar, Adv.,  
Mr. Husen Mustafi, Adv.,  
Mr. Arka Bhadra, Adv.

...for the petitioner.

Mr. Narayan Prasad Agarwala, Adv.,  
Mr. Ashok Das, Adv.

...for the State.

Learned Advocate for the petitioner contends that other co-accused persons have already been enlarged on bail and/or granted anticipatory bail in respect of the same offence. It is further submitted that the petitioner is a septuagenarian and as such seeks lenience to be shown for the purpose of granting bail to the petitioner.

Learned Counsel appearing for the State, however, relies on the statement under Section 164 of the Code of Criminal Procedure. He submits that from the allegations levelled against the present petitioner, it cannot be said that the petitioner stands on the same footing as the other co-accused persons.

That apart, on a previous occasion, i.e., on March 22, 2022, another application of the petitioner for anticipatory bail was rejected.

Upon considering the facts of the present case, we are of the opinion that since the charge-sheet has already been submitted in the present case and the investigation is substantially over as well as taking into consideration the advanced age of the petitioner, further incarceration of the petitioner is not required for the present.

Hence, CRM(A)/2411/2022 is **allowed**, granting anticipatory bail to the petitioner subject to the compliance of the stipulations as laid down under Section 438(2) of the Code of Criminal Procedure by the petitioner. In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/-(Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local.

That apart, the petitioner shall make herself available for further investigation, if so called upon by the Investigating Officer.

**( Sabyasachi Bhattacharyya, J.)**

**(Rai Chattopadhyay, J. )**