

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.993 of 2022

Krushna Chandra Dash & Another ***Petitioners***
Mr. B.S. Mishra, Advocate

-versus-

State of Odisha ***Opposite Party***
Miss. Samapika Mishra, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
01.11.2022

Order No.

05. 1. This matter is taken up through hybrid arrangement (physical/virtual) mode.
2. Learned counsel for the Petitioners submits that these Petitioners being the in-laws of the deceased have been unnecessarily arraigned in the case as within seven years of marriage, the deceased committed suicide. He further submits that the allegation with regard to demand of dowry and torture upon the deceased for non-fulfillment of the same are all false and have been made in a general manner that to without citing any particular instance and assigning no specific part played by these Petitioners therein. It is submitted that these Petitioners being under interim protection since 04.02.2022 have co-operated with the investigation as and when called for without misusing the liberty. In view of all these above, he urges for grant of anticipatory bail to these Petitioners as their likely arrest and detention would serve no useful purpose.

3. Learned counsel for the State opposes the move. According to her, the deceased having not died under normal circumstance and that to when the death has taken place within seven years of marriage, on the face of the allegations as to demand and torture, complicity of these Petitioners at this stage stand drawn by virtue of presumption available under section 113-A & 113-B of the Evidence Act.

4. Considering the submissions and on going through the nature of accusations; further keeping in view the surrounding circumstances of the case as also concerning the Petitioners and in the absence of any other impediment, it is directed that in the event the Petitioners surrender before the court in seisin of the case in connection with Mangalpur P.S. Case No.16 of 2022 corresponding to C.T. Case No.106 of 2022 pending in the court of learned S.D.J.M., Jajpur within three weeks hence and move for their release on bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said court with further conditions that they will not threaten or terrorize the prosecution witnesses in any manner.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge