

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.1667 of 2020

Minati Rout

....

Petitioner

Mr. S.N. Mishra-4, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

16.02.2022

Order No.

03. 1. This matter is taken up by video conferencing mode.
2. Learned counsel for the Petitioner submits that this Petitioner being the mother-in-law of the deceased has been arraigned in the case on the general allegation that she was joining hands with her son in torturing and ill-treating the deceased. He further submits that the death in the case has taken place due to intake of poison by the deceased and during postmortem examination; no such external injury has been detected suggesting any physical torture. It is submitted that the allegations with regard to the torture on account of non-fulfillment of the dowry are all false and omnibus that too without citing any particular incident assigning specific role to this Petitioner. He submits that this Petitioner being under interim protection from 19.02.2020 has been abiding by the terms and conditions as have been imposed on her for the purpose. In view of all these above, he urges for grant of anticipatory bail to the Petitioner.

3. Learned Counsel for the State opposes the move. According to him, as the death has taken place within a period of seven years of marriage, that to not under normal circumstance, on the face of the allegations with regard to the demand of dowry and torture on account of non-fulfillment of the same, prima facie presumption under section 113A/113B of the Evidence Act stands drawn. He however submits that in case investigation being complete, charge-sheet has been submitted placing the Petitioner to face the trial for commission of offence under section-498(A)/306/34 of the IPC read with section-4 of the D.P. 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 Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the court in seisin of the case in Chandbali P.S. Case No.66 of 2017 corresponding to G.R. Case No.214 of 2017 pending in the Court of learned J.M.F.C., Chandbali within three weeks hence and moves for her release on bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court with further condition that she will not threaten or terrorize the prosecution witnesses in any manner.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**