

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.4758 OF 2020

Rama Chandra Behera

....

Petitioner

Mr. Narayan Beura, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

11.03.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. Learned counsel for the Petitioner submits that this Petitioner being the father-in-law of the deceased, as the deceased committed suicide by hanging herself within a period of seven year of marriage, he has been unnecessarily arraigned in the case as an accused with the general allegations that he was joining his son and others in demanding dowry and torturing the deceased. It is his submission that as opined by the doctor, the death is due to asphyxia resulting from ante-mortem hanging and no other feature on the body suggestive of physical torture before the incident has also been noticed. In view of all these above and in the absence of any other impediment; he urges for grant of anticipatory bail to the Petitioner.
3. Learned counsel for the State does not dispute the fact that the deceased as per the opinion of the doctor has committed suicide by hanging herself and that no such bodily injury suggestive of any physical torture sometime before the incident has also been noticed.

He, however, submits that the Petitioner being the father-in-law with the allegations of demand and torture at her instance upon the deceased, his culpability by virtue of attraction of the presumption under section-113A/113B of the Evidence Act stands drawn.

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 as also the role said to have been played by the Petitioner in the incident 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 connection with Banki P.S. Case No.67 of 2020 corresponding to G.R. Case No.96 of 2020 on the file of learned S.D.J.M., Banki within two weeks hence and moves for his release on bail, he shall be released on bail on such terms and conditions as would be deemed just and proper by the Court in seisin of the case with further condition that he 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.**

Narayan