

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.4920 OF 2020

Subasini Dash

.... ***Petitioner***
Mr. S.K. Dash, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
14.03.2022**

Order No.

04. 1. This matter is taken up by through hybrid arrangement (physical/ virtual) 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 Doctor conducting the autopsy over the dead body has found any such external injury suggestive of physical torture prior to the incident and he has also not noticed any such injury on the buccal cavity of the deceased so as to draw any influence regarding forcible administration of poison. He submits that this Petitioner being under interim protection from 08.09.2020 has been abiding by the terms and conditions as have been imposed on her for the purpose. It is further submitted that in the meantime, husband of the deceased being arrested has been released on bail. In view of all these above; he urges for grant of anticipatory bail to the Petitioner as according to him, likely arrest and detention of the Petitioner in the case would serve no useful purpose.

3. Learned Counsel for the State although does not dispute the fact that here the death has taken place on account of intake of poison and that no such external injury has been noticed by the Doctor conducting the postmortem examination, and the charge-sheet to have been submitted also for the offence under section-306 of the IPC; however, opposes the move contending that with the existing relationship between the Petitioner and the deceased, on the face of the allegation as to the demand of dowry and torture by this Petitioner when the death has taken place within seven years of marriage, that to not under normal circumstances, by drawal presumption under section 113A/113B of the Evidence Act, prima facie, culpability of this Petitioner stands.

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 Nirakarpur P.S. Case No.39 of 2020 corresponding to G.R. Case No.127 of 2020 pending in the Court of learned NGN-cum-J.M.F.C., Tangi 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.**