

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.5145 OF 2020

Braja Sethi & Two Others

.... Petitioners

Mr. J. Sahoo, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.G.N. Rout, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

15.03.2022

Order No.

03. 1. This matter is taken up hybrid arrangement (physical/virtual) mode.
2. Learned counsel for the Petitioners submits that these Petitioners are the in-laws of the deceased and when the deceased committed suicide by jumping before a running train within a period of seven years of marriage, they have been unnecessarily arraigned in the case as accused with the general allegations that they were joining others in demanding dowry and torturing the deceased. It is also stated that the Petitioners being under interim protection since 21.05.2020 have been cooperating with the investigation without misusing the liberty. 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 and in the absence of any other impediment; he urges for grant of anticipatory bail to the Petitioners.
3. Learned Counsel for the State although does not dispute the fact that here the death has been taken place on account of jumping before a running train, and the charge-sheet to have been submitted also for the offence under section-306 of the IPC; he

however, opposes the move contending that with the existing relationship between the Petitioners and the deceased, on the face of the allegation as to the demand of dowry and torture by these Petitioners 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 Petitioners 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 Petitioners as also the role said to have been played by these Petitioners in the incident 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 Khurda Sadar P.S. Case No.13 of 2020 corresponding to G.R. Case No.81 of 2020 on the file of learned S.D.J.M., Khurda 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 Court in seisin of the case with further condition that they 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