

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.5286 of 2020

Gokulananda Jena & Others

.... ***Petitioners***
Mr. R.C. Swain, Advocate

-versus-

State of Odisha

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

CORAM:
MR. JUSTICE D.DASH

ORDER
16.03.2022

Order No.

04. 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 these Petitioners were joining with others in that. He submits that the doctor conducting PM examination has given the opinion that the death is on account of asphyxia resulting from ante-mortem hanging and he has also not noticed any such external injury suggestive of physical torture upon the deceased sometime before the incident. It is submitted that these Petitioners being under interim protection since 27.05.2020 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.

3. Learned counsel for the State does not dispute the position that the Doctor holding the post mortem examination has opined the death as due to ante mortem hanging. He, however, submits that as the death has taken place within seven years of marriage that to not under normal circumstances, on the face of the allegations of demand of dowry and torture, the culpability of the Petitioners stand drawn by virtue of attraction of presumption under section 113-A/113-B of the Evidence Act.

3. 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 Jajpur P.S. Case No.114 of 2020 corresponding to C.T. Case No.470 of 2020 pending on the file 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.

4. The ABLAPL is accordingly disposed of.

5. Issue urgent certified copy as per rules.

(D. Dash)
Judge