

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5494 of 2020

Chulbuli Bibi @ Swaleha Parween ***Petitioner***
Mr. J. Pal, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. S.K. Nayak, AGA.,
Mr. B. Jalli, Adv. (Informant)

CORAM:
MR. JUSTICE D.DASH

ORDER
17.03.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioner having been implicated in connection with Kissannagar P.S. Case No.57 of 2020 corresponding to G.R. Case No. 882 of 2020 registered for alleged commission of offence under section 498-A/302/304-B/34 of the IPC read with section -4 of the D.P. Act, pending in the court of learned J.M.F.C.(R), Cuttack, has filed this application under section 438 Cr.P.C. for her release in the event of her arrest in the aforesaid case.
3. Learned counsel for the Petitioner submits that the Petitioner, who happens to be the sister-in-law of the deceased, has been unnecessarily arraigned in the case on the allegation that she was joining hands with her brother in torturing the deceased, which has been stated in an omnibus manner. It is his submission that the death in the case has taken place because of intake of poison by the deceased, when no such other external

injuries have been noticed to draw any other inference. In view of all these above, he urges for grant of anticipatory bail to the Petitioner.

4. Learned Counsels for the State as well as the Informant submit that this Petitioner being the family members, on the face of the allegations as to demand and torture on account of non-fulfillment of the same when the death has taken place within a period of seven years of marriage that to under unnatural circumstance the culpability of the Petitioner stands by attraction of the presumption under section 113A/113B of the Evidence Act.

5. 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 the aforesaid case 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.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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