

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**ABLAPL NO.5123 OF 2022**

***M. Surjya Subudhi @*** ..... ***Petitioners***  
***Suryanarayan Subudhi & Others***

Mr. S.K. Pradhan, Advocate

*-versus-*

***State of Odisha*** ..... ***Opposite Party,***  
Mr. Samaresh Jena, ASC,  
Mr. S.S. Ray-2, Adv. (O.P. No.2).

**CORAM:**

**MR. JUSTICE D.DASH**

**ORDER**

**30.11.2022**

**Order No.**

02.

1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.

2. Learned Counsel for the Petitioner submits that these Petitioner Nos. 1 & 2 being the parent-in-laws, Petitioner No.3 being the aunt-in-law of the deceased and Petitioner No.4 being the brother-in-law of the deceased have been unnecessarily arraigned in the case since the deceased died within a period of seven years of marriage under unnatural circumstances, by falsely making some allegations that these Petitioners were joining the husband of the deceased in torturing her. He further submits that husband of the deceased having been arrested in connection with the case has been released on bail by the order passed by this Court in BLAPL No.7301 of 2021. It was submitted that in the meantime, the investigation being complete, the police in its charge-sheet had not placed these Petitioners to face the trial as the materials came to surface that these Petitioners at the relevant time were not residing with the deceased and her husband who

were staying separately. He however submits that after such submission of the charge-sheet as against the husband of the deceased, one protest petition being filed, process has been issued against these Petitioners and for that the reason now they apprehend arrest and likely detention. In view of all these above, he submits that at this stage likely arrest and detention of the Petitioners would serve no useful purpose, except causing the harassment to the Petitioners. He therefore, he urges for grant of anticipatory bail to the Petitioners.

3. Learned Counsel for the Informant opposes the move. According to him, the husband of the deceased being a Doctor by profession, the postmortem report has been manipulated to serve the purpose of the defence. He further submitted that the materials collected in course of investigation reveal that there was continuous torture upon the deceased, who was also a Doctor and she was being ill-treated by everyone in the family. He, however, does not dispute the position that the husband of the deceased being the accused against whom the police has filed the charge-sheet has in the meantime been released on bail and that these Petitioners have come to be arraigned on the basis of a protest petition.

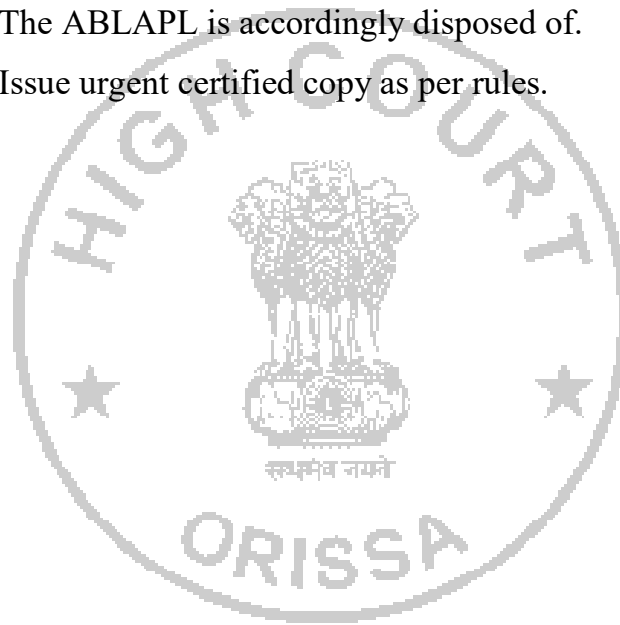
4. Learned Counsel for the State also opposes the move in view of the materials available on record in further saying that the learned Court in seisin of the case has rightly accepted the complaint petition and issued the process.

5. Considering the submissions and on going through the nature of accusations as well as the roles of these Petitioners as reveal from the materials on record; further keeping in view the

surrounding circumstances of the case mainly concerning these Petitioners, it is directed that in the event the Petitioners surrender before the Court in seisin of the case in connection with Golanthara P.S. Case No.178 of 2021 corresponding to G.R. Case No.1090 of 2021 arising out of ICC Case No.364 of 2021 pending in the Court of learned S.D.J.M., Berhampur 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.

6. The ABLAPL is accordingly disposed of.  
Issue urgent certified copy as per rules.

*Narayan*



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