

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.5084 of 2021

Shantilata Das

....

Petitioner

Mr. Sarat Kuamr Jena, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

12.07.2022

Order No.

- 03.
1. This matter is taken up through hybrid arrangement (virtual/physical mode).
 2. Learned counsel for the Petitioner submits that this Petitioner being the mother-in-law of the deceased has 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 this Petitioner was joining with others in that. He submits that the doctor conducting PM examination has given the opinion as to nature of death as suicidal 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 this Petitioner being under interim protection since 26.04.2021 has 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 this Petitioner.

3. Learned counsel for the State does not dispute the cause of death as per the opinion of the doctor. According to him, the death having not taken place under normal circumstances, on the face of the allegations as to demand and torture, complicity of these Petitioner at this stage stands drawn by virtue of presumption available under section 113-A & 113-B of the Evidence Act.

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 connection with Patkura P.S. Case No.161 of 2020 corresponding to G.R. Case No.968 of 2020 pending in the court of learned S.D.J.M., Kendrapara within three weeks hence and move for their 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 conditions that she shall not threaten or terrorize the prosecution witnesses in any manner.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge