

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.6197 OF 2020

Arati Mandal

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Nayak, AGA

CORAM:

MR. JUSTICE D.DASH

ORDER

11.07.2022

Order No.

06. 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 arraigned in the case as the deceased committed suicide by hanging herself within a period of seven years of marriage with the general allegations that she was joining other members of the family in demanding dowry and torturing the deceased for non-fulfillment of the same. He further submits that husband of the deceased having been arrested in the case has in the meantime been released on bail and this Petitioner being under interim protection w.e.f. 08.06.2020 has never misused the liberty so granted. It is further submitted that the allegations with regard to demand of dowry and torture are all omnibus in nature and no such particular incident citing any specific role to have been played by the Petitioner therein is stated. In view of all these above and in the absence of any other impediment; he urges for grant of anticipatory bail to the Petitioner.

3. Learned Counsel for the State opposing the move contends that when the death has taken place within a period of seven years of marriage that too not under normal circumstance, on the face of the allegation for demanding dowry and torturr upon the deceased, prima facie presumption under section-113A/113B of the Evidence Act comes into play in showing complicity of this Petitioner who happens to be the mother-in-law of the deceased.

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 as also the role said to have been played by the Petitioner in the incident 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 Bhograi P.S. Case No.66 of 2020 corresponding to C.T. Case No.232 of 2020 on the file of learned J.M.F.C., Jaleswar 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 Court in seisin of the case with further condition that she 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