

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.6469 of 2020

Binapani Dash

.... ***Petitioner***
Md. G. Madani, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr.G.N. Rout, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
29.03.2022

Order No.

05. 1. This matter is taken up by video conferencing mode.
2. Learned counsel for the Petitioner submits that the Petitioner, who happens to be the mother-in-law of the deceased, has been unnecessarily arraigned in the case on the allegation that he was joining hands with her son 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.
3. Learned counsel for the State submits that the Petitioner being the mother-in-law, 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 not under normal circumstance the culpability of these Petitioner stands drawn by attraction of the presumption under section 113A/113B 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 Bhandaripokhari P.S. Case No.93 of 2020 corresponding to G.R. Case No.917 of 2020 pending in the Court of learned S.D.J.M., Bhadrak 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.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy of this order as per rules.

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