

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.7670 OF 2020

Basanti Malik

.... ***Petitioner***
Mr. R.N. Rout, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. D.R. Parida, ASC.

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
06.04.2022**

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, when the deceased died by hanging herself within a period of seven year of marriage, she has been unnecessarily arraigned in the case as an accused with the general allegations that she was joining her son and others in demanding dowry and torturing the deceased. It is his submission that as opined by the doctor, the death is due to asphyxia resulting from ante-mortem hanging and no other feature on the body suggestive of physical torture before the incident has also been noticed. 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 does not dispute the fact that the deceased as per the opinion of the doctor has committed suicide by hanging herself and that no such bodily injury suggestive of any physical torture sometime before the incident has also been noticed.

He, however, submits that the Petitioner being the mother-in-law with the allegations of demand and torture at her instance upon the deceased, her culpability by virtue of attraction of the presumption under section-113A/113B of the Evidence Act stands drawn.

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 Soro P.S. Case No.177 of 2020 corresponding to C.T. Case No.400 of 2020 on the file of learned J.M.F.C., Soro within two 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