

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.8525 OF 2020

Radhu Tada & Three Others

Petitioners

Mr. Manas Chand, Advocate

-versus-

State of Odisha

Opposite Party

Mr. D.R. Parida, ASC,

CORAM:

MR. JUSTICE D.DASH

ORDER

11.04.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioners having been implicated in connection with Nirakarpur P.S. Case No.91 of 2020 corresponding to G.R. Case No. 302 of 2020 registered for alleged commission of offence under section-498-A/306/304-B/34 of the IPC, pending in the court of learned NGN-cum-J.M.F.C., Tangi, have filed this application under section 438 Cr.P.C. for their release in the event of their arrest in the aforesaid case.
3. Learned counsel for the Petitioners submits that the Petitioners being the in-laws of the deceased have been implicated in the case for the reason that the death of the daughter-in-law and son of the Petitioners has taken place within a period of seven years of marriage and under unnatural circumstances. It is his submission that postmortem report is very clear as to the cause of death i.e. intake of poison and the doctor has also not noticed any other bodily injury suggestive of physical torture prior to the incident. In view of all these above and in the absence of any

other impediment; he urges for grant of anticipatory bail to the Petitioners.

4. Learned Counsels for the State as well as the Informant submit that these Petitioners being the family members, 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 under unnatural circumstance the culpability of these Petitioners stands by attraction of the presumption under section 113A/113B of the Evidence Act.

5. 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 Petitioners and in the absence of any other impediment, it is directed that in the event the Petitioners surrender before the court in seisin of the above mentioned case within two 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 with further condition that they will not threaten or terrorize the prosecution witnesses in any manner.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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