IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.9016 OF 2020

Narendra Kumar Swain .... ***Petitioner***

Mr. B.N. Satapathy, Advocate

-versus-

State of Odisha .... ***Opposite Party***

Mr.D.R. Parida, ASC.

CORAM:
MR. JUSTICE D.DASH

ORDER
12.04.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.

2. Learned counsel for the Petitioner submits that the Petitioner is the father-in-law of the deceased and when the daughter-in-law committed suicide within a period of seven years of marriage, he has been unnecessarily arraigned in the case as accused with the general allegations that he was joining other family members in demanding dowry and torturing the deceased. It is his submission that the doctor holding postmortem examination has noticed no other feature on the body suggestive of physical torture before the incident. It is also stated that the Petitioner being under interim protection since 31.08.2020 has been cooperating with the investigation without misusing the liberty. 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 and the Informant do not dispute the fact that the deceased as per the opinion of the doctor has committed suicide 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 father-in-law and on the allegations of demand and torture, with the available presumption under section 113-A/113-B of the Evidence Act, the culpability of the Petitioner stands.

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 Tirtol P.S. Case No.225 of 2020 corresponding to G.R. Case No.218 of 2020 on the file of learned J.M.F.C., Tirtol within three weeks hence and moves for his release on bail, he 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 he 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