

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.8613 OF 2021

Kholana Dash & Another

....

Petitioners

Mr. P.K. Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.K. Das, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

08.08.2022

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Learned counsel for the Petitioners submits that these Petitioners are the brother of the mother-in-law and brother-in-law of the deceased and his wife, when the deceased committed suicide by hanging herself within a period of seven years of marriage, they have been unnecessarily arraigned in the case as accused with the general allegations that they were joining with 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 further submitted that in the meantime, husband of the deceased being arrested have been released on bail. It is also stated that the Petitioners being under interim protection since 26.07.2021 have 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 Petitioners.

3. Learned counsel for the State does 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 Petitioners being the mother-in-laws and brother-in-law with the allegations of demand and torture at their instance upon the deceased, their culpability by virtue of attraction of the available 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 Petitioners as also the role said to have been played by these Petitioners in the incident 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 case in connection with Tumusinga P.S. Case No.90 of 2021 corresponding to G.R. Case No.379 of 2021 on the file of learned S.D.J.M., Kamakhyanagar within three 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 Court in seisin of the case with further condition that they 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.