

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.9211 OF 2020

***Babula Das @ Babulal Das &
Another***

....

Petitioners

Mr. B.B. Routray, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. D.R. Parida, ASC

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

**ORDER
29.04.2022**

Order No.

04. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Learned counsel for the petitioners submits that these petitioners being the in-laws of the deceased have been falsely implicated in the case on the general allegation that they were joining hands with other family members in demanding dowry and torturing the deceased when the death is suicidal by intake of poison. He further submits that the Doctor conducting the autopsy over the dead body has not found any such external injury suggestive of physical torture prior to the incident and he has also not noticed any such injury in the buccal cavity of the deceased so as to draw any inference regarding forcible administration of poison. It is his submission that these Petitioners being under interim protection since 03.09.2020 have co-operated with the investigation as and when called for without

misusing the liberty. In view of all these above, when the allegation as to the demand of dowry and torture as against these petitioners is omnibus in nature and there remains no scope on the part of the petitioners to flee from justice and tamper the evidence, he urges for grant of anticipatory bail to these petitioners.

3. Learned counsel for the State does not dispute the fact that here the death has taken place on account of intake of poison and that no such external injury has been noticed by the Doctor conducting the post mortem examination. He, however, submits that with the existing relationship between the petitioners and the deceased, on the face of the allegation as to the demand of dowry and torture by these petitioners when the death has taken place within seven years of marriage, that to not under normal circumstances, by drawal of available presumption under section 113-A/113-B of the Evidence Act, prima facie, culpability of these petitioners surfaces.

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 Petitioners surrender before the court in seisin of the case in connection with Banpur P.S. Case No.225 of 2020 corresponding to G.R. Case No.332 of 2020 pending in the file of the learned J.M.F.C., Banpur 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

said court with further condition that they will not threaten or terrorize the prosecution witnesses in any manner.

5. The ABLAPL is accordingly disposed of.
6. Issue urgent certified copy as per rules.

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

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