

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.10360 OF 2020

***Mili @ Prabhasini Parida &
Another***

Petitioners

Mr. A. Pattnaik, Advocate

-versus-

State of Odisha

Opposite Party

Mr.S.K. Nayak, AGA.

CORAM:

MR. JUSTICE D.DASH

ORDER

13.05.2022

Order No.

05. 1. This matter is taken up hybrid arrangement (physical/virtual) mode.
2. Learned counsel for the Petitioners submits that the Petitioner No.1, the sister-in-law of the deceased and Petitioner No.2 is the husband of Petitioner No.1. He submits that as the deceased committed suicide within a period of seven years of marriage, they have been unnecessarily arraigned in the case as with the general allegations that they were joining other family members in demanding dowry and torturing the deceased when the fact remains that they were staying separately. It is his submission that the doctor holding postmortem examination has noticed no other feature on the body of the deceased suggestive of physical torture before the incident. It is also stated that the Petitioners being under interim protection since 24.09.2020 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 as per the opinion of the doctor, the death is due to ante-mortem hanging. He also submits that no such bodily injury suggestive of any physical torture sometime before the incident has also been noticed by the doctor holding post mortem examination. He, however, submits that the Petitioners being the in-laws of the deceased, on the face of 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 stand 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 Jatni P.S. Case No.231 of 2020 corresponding to G.R. Case No.253 of 2020 on the file of learned J.M.F.C., Jatni 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.**