

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.12609 OF 2021

Rajendra Kumar Nayak & Others ***Petitioners***
Mr. A. Pattanaik, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.S. Jena, ASC,
Mr. P.K. Kai, Adv. (Informant).

CORAM:
MR. JUSTICE D.DASH

ORDER
17.08.2022

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 are the sister-in-law of the deceased and her husband, when the deceased committed suicide 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 conducting postmortem examination was having not found any external injury on the body of the deceased as reserved, his opinion awaiting the viscera examination report. 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 as well as 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 Petitioners being the in-laws 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 Kasia Marine P.S. Case No.114 of 2021 corresponding to G.R. Case No.684 of 2021 on the file of learned J.M.F.C., Basudevpur 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.**

Narayan