

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13730 of 2020

Sudarshan Jena & Others

....

Petitioners

Mr.B.R. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Das, ASC

CORAM:

MR. JUSTICE D.DASH

ORDER

21.04.2022

Order No.

- 03.
1. This matter is taken up through hybrid arrangement (virtual/physical mode).
 2. Learned counsel for the petitioners does not want to press this bail application in respect of petitioner no.1. Accordingly, this application stands dismissed as not pressed in respect of Petitioner No.1. The ABLAPL is now confined only to petitioner nos.2 and 3 hereinafter referred to as 'the petitioners'.
 3. The petitioners having been implicated in G.R. Case No.423 of 2020 arising out of Rajkanika P.S. Case No.243 of 2020 registered for alleged commission of offence under sections 498-A/302/304-B/34, I.P.C. read with section 4 of the D.P. Act pending in the Court of the learned J.M.F.C., Aul, have filed this application under section 438 Cr.P.C. for grant of bail in the event of their arrest in the said case.
 4. Learned counsel for the Petitioners submits that these Petitioners being the mother-in-law and sister-in-law of the deceased have been unnecessarily arraigned in the case as within seven years of marriage, the deceased committed suicide. He

further submits that the allegation with regard to demand of dowry and torture upon the deceased for non-fulfillment of the same are all false and have been made in a general manner that these Petitioners were joining with others in that. He submits that the doctor conducting PM examination has given the opinion that the death is on account of asphyxia resulting from ante-mortem hanging and he has also not noticed any such external injury suggestive of physical torture upon the deceased sometime before the incident. It is submitted that these Petitioners being under interim protection since 19.11.2020 have co-operated with the investigation as and when called for without misusing the liberty. In view of all these above, he urges for grant of anticipatory bail to these Petitioners.

5. Learned counsel for the State does not dispute the position that the Doctor holding the post mortem examination has opined the death as due to ante mortem hanging. He, however, submits that as the death has taken place within seven years of marriage that to not under normal circumstances, on the face of the allegations of demand of dowry and torture, the culpability of the Petitioners stand drawn by virtue of attraction of presumption under section 113-A/113-B of the Evidence Act.

6. 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 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 the above-mentioned case 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 including the victim in any manner.

7. The ABLAPL is accordingly disposed of.
8. Issue urgent certified copy as per rules.

(D. Dash)
Judge



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