

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.12735 OF 2022

Sarat Kumar Sahoo & Others

.... Petitioners

Mr.H.S.Mishra, Advocate

-versus-

State of Odisha

.... Opposite Party

Mr. Samaresh Jena, ASC.

CORAM:

MR. JUSTICE D.DASH

ORDER

25.11.2022

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. Learned counsel for the Petitioners submits that these Petitioners, being the Parent-in-laws and brother-in-law of the deceased, have been unnecessarily arraigned in the case as the deceased committed suicide within a period of 7 years of marriage in the house on the false allegation that they were joining their son, who happens to be the husband of the deceased in torturing and ill-treating the deceased, to meet the demand of dowry. He further submits that the husband of the deceased having been arrested in the case has been released on bail by the order passed by this Court in BLAPL No. 5767 of 2022. It is also submitted that in course of investigation, Police has obtained the photocopy of one suicidal note whose original is said to have not been traced which show that at least these Petitioners had no role in the matter. He further submits that simply because these Petitioners were residing in the house where the deceased died unnatural death; they have been

arraigned in the case. He further submits that with the available evidence on record, the arrest and detention of these Petitioners who are the parent-in-law and brother-in-law of the deceased, would serve no useful purpose. In view of all these above, he urges for grant of anticipatory bail to these Petitioners.

4. Learned counsel for the State opposes the move. According to him, the deceased having died under unnatural circumstance within a period of 7 years of marriage, on the face of the allegation as to the demand of dowry and torture, the presumption available under section 113A/ 113B of the Evidence Act stands drawn as to the complicity of these petitioners.

3. Considering the submissions and on going through the materials as placed including the photo copy of the suicidal note which although is in dispute; further keeping in view the surrounding circumstances including the factum of grant of bail to the husband of the deceased; it is directed that in the event the petitioners surrender before the learned Court in seisin of Tarva P.S Case No.279 of 2021 corresponding to G.R Case No.262 of 2021 of the Court of learned J.M.F.C, Tarva within a period of three weeks from today and move for their release of bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the said Court.

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

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