

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.14320 OF 2021

<i>Durga Charan Sarangi & Another</i>		<i>Petitioners</i>
		Mr. B.K. Jena, Advocate
	-versus-	
<i>State of Odisha</i>		<i>Opposite Party</i>
		Mr. S.K. Nayak, AGA.

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

**ORDER
06.09.2022**

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. The Petitioners having been implicated in connection with Jagatsinghpur P.S. Case No.478 of 2021 corresponding to G.R. Case No. 1083 of 2021 registered for alleged commission of offence under section-498-A/302/304-B/506/34 of the IPC read with section -4 of the D.P. Act, pending in the Court of learned S.D.J.M., Jagatsinghpur, have filed this application under section-438 Cr.P.C. for their release in the event of their arrest in the aforesaid case.
3. Learned Counsel for the Petitioners submits that the Petitioners being the brothers of the husband of the deceased have been implicated in the case as the deceased has not died under normal circumstances and it is within a period of seven years of marriage. It is his submission that postmortem report is very clear as to the cause of death i.e. intake of poisonous substance and the doctor has also not noticed any other bodily injury suggestive of physical torture prior to the incident. He submits that husband and mother-in-law of the deceased being arrested in the case, one of

them i.e. mother-in-law has been released on bail. He further submitted that the Petitioners being on interim bail with effect from 29.11.2021 have been cooperating with the investigation and have never misused 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.

4. Learned Counsels for the State submit that these Petitioners being the family members, on the face of the allegations as to demand and torture on account of non-fulfillment of the same when the death has taken place within a period of seven years of marriage that to not under normal circumstance the culpability of these Petitioners stands by attraction of the presumption under section 113A/113B of the Evidence Act.

5. 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 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 in any manner.

6. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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