

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10099 OF 2021

Satya Ranjan Das & Two Others ***Petitioners***
Mr. B.S. Das, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Karunakar Nayak, ASC

CORAM:
MR. JUSTICE D.DASH

ORDER
20.01.2022

Order No.

01. 1. This matter is taken by video conferencing mode.
2. The Petitioners being the husband and the parent-in-laws of the deceased are in custody in connection with Bhograi P.S. Case No.224 of 2021 corresponding to C.T. Case No.756 of 2021 on the file of learned J.M.F.C., Jaleswar running for alleged commission of offence under Section 498-A/302/304-B/34 of the IPC, have filed this application under Section 439 of the Cr.P.C. for their release on bail in the above mentioned case.
3. Learned counsel for the Petitioners submits that the Petitioners being husband and the parent-in-laws of the deceased having been arrested in the case, are in custody since 17.10.2021. It is submitted that as the deceased committed suicide by taking poison with the general allegation that the Petitioners were demanding dowry and torturing her for non-fulfillment of same, they have been roped in the case without citing any particular

incident assigning specific role to the Petitioners therein. He also submits that the postmortem report does not reveal any other external injury on the person of the deceased which is rather suggestive of the fact that the deceased was not put to physical torture prior to the incident and that it is not a case of forcible administration of poison. In view of all these above, he urges for grant of bail to the Petitioners as according to him further detention of the Petitioners in custody till conclusion of the trial would serve no useful purpose.

4. Learned counsel for the State submits that since the death of the deceased has taken place seven years of marriage and that to not under normal circumstance, on the face of demand of dowry and torture upon her, with the available presumption under section 113A/113B of the Evidence Act, the culpability of the Petitioners stand.

5. Taking into account the submissions made; further keeping in view the materials on records as those stand against the Petitioners with other surrounding circumstances including the period of detention of the Petitioners in custody and on going through the order passed by the learned Special Judge(Vigilance); in the absence of any such impediment; it is directed that the Petitioners be released on bail in the aforesaid case on such terms and conditions as deemed just and proper by the Court in seisin of the case with further condition that:-

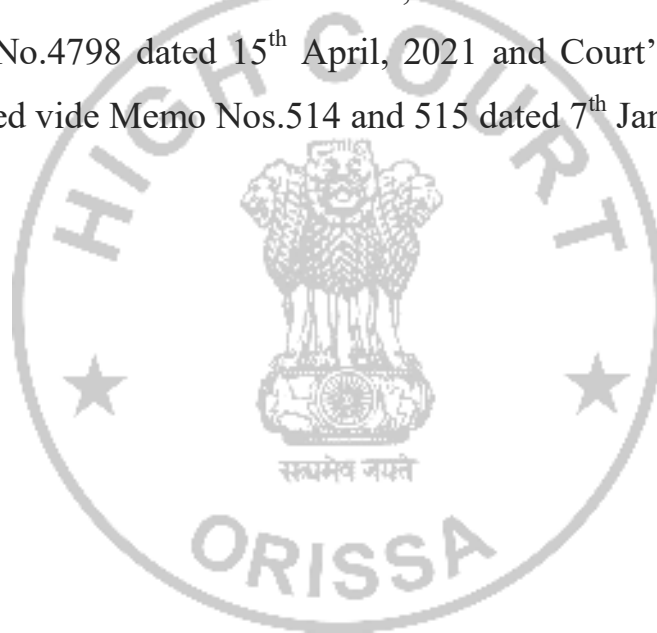
1. they will not threaten or terrorize the prosecution witnesses in any manner; and

2. will appear before the Court in seisin of the case on each date of posting of the case without fail.

6. The BLAPL is accordingly disposed of.

7. As the restrictions due to resurgence of COVID-19 situation are continuing, learned Counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 as modified by Court's Notice No.4798 dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Narayan



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