

IN THE HIGH COURT OF ORISSA AT CUTTACK
ABLAPL No.16064 of 2020

Satyanarayan Nayak & Another ***Petitioners***
Mr. P.K. Kundu, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. D.R. Parida, ASC
Mr. P. Mohanty, Advocate (Informant)

CORAM:
MR. JUSTICE D.DASH

ORDER
22.04.2022

Order No.

03. 1. This matter is taken up through hybrid arrangement (physical/virtual) mode.
2. Learned counsel for the Petitioners submits that these Petitioners being the brother-in-laws 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 as to nature of death as suicidal 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 02.02.2021 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.

3. Learned counsel for the State does not dispute the cause of death as per the opinion of the doctor. According to him, the death having not taken place under normal circumstances, on the face of the allegations as to demand and torture, complicity of this Petitioner at this stage stands drawn by virtue of presumption available under section 113-A & 113-B of the Evidence Act.

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 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 Puri Town P.S. Case No.263 of 2020 corresponding to G.R. Case No.3569 of 2020 pending in the court of learned S.D.J.M., Puri 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 conditions that they will not threaten or terrorize the prosecution witnesses in any manner.

5. The ABLAPL is accordingly disposed of.

6. Issue urgent certified copy as per rules.

(D. Dash)
Judge