

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL NO.10453 OF 2021

N. Liza @ N. Priyanka Reddy

.... ***Petitioner***
Mr. S.N.Sahu, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S.K. Nayak, AGA.

CORAM:
MR. JUSTICE D.DASH

ORDER
21.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. The Petitioner being in custody in connection with Kabisurya Nagar P.S. Case No.387 of 2021 corresponding to G.R. Case No.374 of 2021 on the file of learned J.M.F.C., Kabisurya Nagar running for commission of offence under section 498-A/304-B/302/34 of the IPC read with section-4 of the DP Act, has filed this application under section 439 of the Cr.P.C. for her release on bail.
3. Learned Counsel for the Petitioner submits that this Petitioner being the married sister-in-law of the deceased has been implicated in the case and is in custody since 12.10.2021. He further submits that the husband and his other family members of the deceased have also been arrested in the case. It is submitted that in presence of the male members of the family, the role of the Petitioner as regards throttling cannot be readily inferred. It is his submission that the allegation with

regard to demand of dowry and torture the deceased as against this Petitioner are all omnibus in nature without citing any particular incident and attributing specific role to this Petitioner therein.

4. Learned Counsel for the State opposes the move. It is submitted that the continuous torture upon the deceased by this Petitioner and mother-in-law being there, when the death of deceased has taken place within seven years of marriage and that too not under normal circumstances; with the drawal of the presumption available under section 113B of the Evidence Act, the complicity of this Petitioner stands.

5. Taking into account the submissions made; further keeping in view the materials on records with other surrounding circumstances as also the period of detention of the Petitioner in custody and on going through the order passed by the learned Addl. District & Sessions Judge; in the absence of any such impediment; it is directed that the Petitioner 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 conditions that:-

1. she will not indulge himself in any criminal activity; and
2. will appear before the Court in seisin of the case on each date of posting of the case without fail;

5. The BLAPL is accordingly disposed of.

6. 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.***