

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL NO.16279 OF 2021

Ahalya Mohanty

.... ***Petitioner***
Mr. A.K. Parida, Advocate

-versus-

State of Odisha

.... ***Opposite Party***
Mr. S. Jena, ASC.

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

**ORDER
05.12.2022**

Order No.

02. 1. This matter is taken up through hybrid arrangement (virtual/ physical) mode.
2. Learned Counsel for the Petitioner submits that this Petitioner has been unnecessarily arraigned in the case when the deceased committed suicide by taking poison within seven years of marriage, by falsely making the allegation that despite the request made by the deceased before this Petitioner to do something for the objectionable activity of the husband father-in-law; this Petitioner being the mother-in-law remained silent and that is said to have caused cruelty upon the deceased. He further submits that in the meantime, husband of this Petitioner (father-in-law of the deceased) against whom the main allegations run has been released on bail. In view of all the above and in the absence of any such other impediment; he urges for grant of anticipatory bail to the Petitioner.
3. Learned counsel for the State although does not dispute the position that the main allegations run against the husband of this Petitioner, he however opposes the move in view of the silence

maintained by this Petitioner even after hearing from the deceased with regard to the objectionable activities aimed and cried out on the deceased. He, therefore, submits that for such act and conduct of this Petitioner, prima facie presumption under section-113A of the Evidence Act would stand drawn.

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 Petitioner and in the absence of any other impediment, it is directed that in the event the Petitioner surrenders before the court in seisin of the case in connection with Naugaon P.S. Case No.110 of 2021 corresponding to G.R. Case No.1188 of 2021 on the file of learned S.D.J.M., Jagatsinghpur within two weeks hence and moves for her release on bail, she shall be released on bail on such terms and conditions as would be deemed just and proper by the said court.

5. The ABLAPL is accordingly disposed of.

Issue urgent certified copy as per rules.

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

Narayan