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MCRC-30575-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE AMIT SETH

ON THE 18th OF JULY, 2025

MISC. CRIMINAL CASE No. 30575 of 2025

SHAHID KHAN

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Purushottam Rai, learned counsel for the applicant.

Shri A.P.S. Tomar, learned Public Prosecutor for the State.

Shri Abhishek Tiwari, learned counsel for the complainant.
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ORDER

1. Heard on I.A.No.14555/2025, an application under Section 338 (2) of BNSS, seeking permission to assist the Public Prosecutor in the matter.

For the reasons assigned therein, the same is allowed and the counsel for complainant is permitted to assist the Public Prosecutor in the matter.

2. The applicant has filed the first bail application under Section 483 of BNSS, 2023/439 of the Cr.P.C. seeking grant of regular bail in connection with Crime No.64/2025 registered at Police Station Pohari, District Shivpuri (M.P.) for the commission of offence under Sections 80 (2), 85, 3 (5) of BNS and Section 3 and 4 of Dowry Prohibition Act.

3. The applicant is lodged in jail since 04.03.2025. The case of the prosecution, in short, is that the marriage of deceased Salma was solemnized with the applicant on 25.05.2024 and on 03.03.2025, the dead body of Salma



was found in a well near the house of the applicant. On investigation, it was found that the applicant and his family members tortured and harassed the deceased for demand of Fortuner Car and therefore, the deceased died under unnatural circumstances within one year of her marriage and accordingly, the said offences have been registered against the applicant and other family members.

4. The counsel appearing for the applicant submits that the applicant has been falsely implicated, there was absolutely no demand for a Fortuner car. As per the stand of prosecution, the parents of the deceased gave a Brezaa Car in dowry and therefore, the story of demand of a Fortuner Car appears to be unrealistic. The counsel for the applicant further submits that omnibus allegations have been levelled against the applicant as well as other three accused (family members of the applicant). The counsel for the applicant submits that the other three accused in the matter (other family members) have already been enlarged on bail and the case of the applicant is not different from the co-accused who have been enlarged on bail as exactly the same omnibus allegations levelled against all of them. It is further submitted that the investigation in the matter is already complete and no further custodial interrogation of the applicant is required and accordingly, prayer for enlargement on regular bail is made.

5. On the other hand, learned counsel appearing for the State as well as the counsel for the Objector opposes the bail application and submits that the applicant, being husband of the deceased, cannot claim parity with the father-in-law and other family members, as he owes responsibility towards his wife,



who died just within one year of their marriage. They further submit that there is specific allegation of harassment and torture against the present applicant as a statement under Section 194 of BNS of Maqbul (brother of the deceased), he has stated that he received a phone call of the deceased on 01.03.2025 wherein, the deceased asked her brother to take her from her matrimonial home as on the account of the demand of Fortuner Car, she may killed. On 02.03.2025, another phone call was received by her brother that the deceased was missing from home and on the next day, the dead body was recovered from well near the house of the applicant. Under these circumstances, the applicant, being husband of the deceased, is not entitled to claim parity with the other co-accused nor to be granted the benefit of regular bail.

6. Heard the learned counsel for the parties and perused the contents of the case diary.

7. Considering the submissions advanced and overall the facts and circumstances of the case, particularly the statement of the brother of the deceased and the sequence of events narrated therein, this Court is not inclined to grant the benefit bail to the applicant. Accordingly, the present bail application stand **rejected**.

(AMIT SETH)
JUDGE

AK/-