

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**ON THE 5<sup>th</sup> OF JULY, 2024**

**MISC. CRIMINAL CASE No. 24047 of 2024**

*(SMT. REKHA LIHORE*

*Vs*

*THE STATE OF MADHYA PRADESH)*

**Appearance:**

*(SHRI ARPIT KUMAR OSWAL, LEARNED COUNSEL FOR THE APPLICANT)*

*(SHRI PRASHANT JAIN, LEARNED G.A. FOR THE STATE)*

**ORDER**

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant, in connection with FIR/Crime No.1180/2023, Date:-(Not mentioned) registered at P.S.-Kishanganj, Dr. Ambedkar Nagar, District-Indore (M.P.) for commission of offence punishable under Sections 302 and 34 of the IPC.

2. Prosecution story in brief is that, deceased was mother of the co-accused Rajendra Lihare and applicant is wife of the co-accused Rajendra. At the time of the incident deceased used to live with the applicant and co-accused. Co-accused Rajendra was in a habit of consuming alcohol and used to demand money from the deceased. On 24.11.2023 present applicant and co-accused Rajendra demanded money from the deceased when she denied both the accused persons assaulted her by means of bat and pipe. She received grievous injuries on her body. On 28.11.2023 she died due to injuries.

3. Learned counsel for the applicant submits that applicant has not committed the offence and she has falsely been implicated in the case. It is submitted that as alleged main accused is Rajendra who assaulted the deceased.

Only omnibus allegations has been levelled against her. There is no eye witness of the case and entire case of the prosecution depends upon circumstantial evidence. It is also submitted that appellant is a lady and there is no other person available to look after her two minor children. She is in custody since 22.12.2023. After completion of investigation charge sheet has been filed. The conclusion of the trial will take sufficient long time for its disposal. Under these circumstances, prayer is made for grant of bail to the applicant.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer of the applicant and submits that as per dying declaration involvement of the applicant is established and offence is serious in nature therefore applicant is not entitled for grant of bail.

5. Having considered the submissions advanced from counsel for the parties, also considering the facts and circumstances, this Court is of the considered view that at this stage no case is made out for grant of bail to the applicant. Resultantly, M.Cr.C. is **dismissed**.

सत्यमेव जयते

(PRAKASH CHANDRA GUPTA)  
JUDGE

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