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MCRC-47427-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 29th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 47427 of 2024*NAZNEEN KHAN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Ajay Bagadia - Senior Counsel with Shri Anshul Hardia -
Advocate for applicant.*

Shri Bhuwan Gautam - Govt. Advocate for the respondent / State.
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ORDER

The present bail petition is placed before this Court in compliance of the directions issued by Hon'ble the Chief Justice.

2. This is the first application filed by the applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to Crime No.400/2024 registered at Police Station Sanyogitaganj, District Indore (M.P.) for the offence punishable under Sections 324(2), 324(6), 333, 296, 115(2), 191(2), 191(3), 351(2), 118, 109 and 331(6) of Bhartiya Nyaya Sanhita, 2023. The applicant is in custody since 19/10/2024.

3. The prosecution story in brief is that on 18/10/2024 an FIR was lodged by one Sonu Goyal at Police Station Sanyogitaganj alleging that on 17/10/2024 at about 08:30 pm the husband of the applicant named Ajaz was talking on mobile phone in front of the house of the complainant and during



the course of conversation he was using filthy language, therefore, mother of the complainant objected the same and there was some altercation between Ajaz and mother of the complainant. It is further alleged in the FIR that thereafter, Ajaz along with his brother and 10-15 other persons entered the house of the complainant with sticks and stones and caused serious injuries to the complainant and his mother. On the basis of the aforesaid allegations the applicant was arrested on 19/10/2024 and produced before the Judicial Magistrate and since then she is in custody.

4. Learned Senior Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in this case. Applicant was not named in the FIR and even in the FIR the presence of any lady was not narrated. He further submits that the applicant is pregnant and having two minor children of aged about four years and one and half years. She has been implicated in the present case only being the wife of the Ajaz. Her presence is not required for further investigation and no useful purpose will be served in keeping her behind the bar. The trial will take considerable long time to conclude. In such circumstances, he prays for enlarging the applicant on bail.

5. Learned Government Advocate appearing on behalf of the respondent / State opposed the bail application on the ground that the involvement of the applicant in the alleged crime was duly narrated by the prosecution witness Sanjay Goyal in his statement recorded under Section 161 of Cr.P.C. and it is stated by the witness that the applicant was present at the spot and the applicant along with other co-accused persons caused



injuries to the injured person and committed the offence of house trespass.

He further submits that no case for grant of bail is made out.

6. Considering the fact that applicant was not named in the FIR; she is pregnant lady having two minor children; and no specific allegation of causing any particular injury is levelled against her even in the statement under Section 161 of Cr.P.C. of Sanjay Goyal, without commenting any opinion on the merits of the case, I deem it proper to enlarge the present applicant on bail, therefore, application is allowed.

7. It is directed that applicant shall be released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand Only) with one solvent surety of the like amount to the satisfaction of the trial Court / JMFC. The applicant shall appear before the concerned trial Court on all the dates as may be fixed by the trial Court without any default. The applicant shall also comply with the provisions of Section 482 (2) of the Sanhita.

8. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, it shall become ineffective.

9. Accordingly, this M.Cr.C. stands allowed and disposed off.

Certified copy today itself.

(VINAY SARAF)
JUDGE