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MCRC-18301-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 10th OF JULY, 2025

MISC. CRIMINAL CASE No. 18301 of 2025

GHANSHYAM

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Vikas Rathi - Advocate for the applicant.

Shri Vishal Singh Panwar-Govt. Adv. appearing on behalf of

Advocate General.
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ORDER

1. They are heard. Perused the case diary/challan papers.

2. This is the applicant's **first** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 439 of Criminal Procedure Code, 1973), as he / she is implicated in connection with **Crime No.757/2023, registered at Police Station Betma, District- Indore (MP)** for offence punishable under Sections 304-B & 34 of Bhartiya Nyay Sanhita, 2023. The applicant is lodged in jail since 20.04.2025.

3. The allegation against the applicant is of dowry death. The applicant happens to be the father-in-law of the deceased-Preeti, who died in suspicious circumstances.

4. Counsel for the applicant has submitted that the applicant is suffering from cancer and was earlier granted temporary bail for a period of



thirty days and has not misused the liberty extended to him. It is also submitted that the applicant's third bail application-M.Cr.C.No.44842/2024 was dismissed with liberty to renew the prayer after the material witnesses are examined in the trial court. Counsel has submitted that four material witnesses have already been examined in the court, including P.w.1, P.w.2, P.w.4, who are the brother, sister and mother of the deceased respectively. It is further submitted that otherwise also at the time of the incident the applicant was residing in Ahmedabad, which is also reflected from his appointment letter and the attendance register of the factory in which he was working since 09.2.2018, and during the probable time of incident i.e.between 15.10.2023 and 17/10/2023 he was attending the factory on regular basis. It is further submitted that the applicant is lodged in jail since 20.04.2024 and the final conclusion of the trial is likely to take a long time. Thus, it is submitted that the application be allowed.

5. Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that no case for grant of interference is made out, looking to the fact that the deceased died in suspicious circumstances and the Doctor has also found *ante-mortem* neck compression and a head injury on the person of the deceased and it also appears that the deceased had already died a couple of days ago when she was brought to the hospital and in such circumstances, the applicant, who is the father-in-law of the deceased does not deserve to be released on bail.

6. Having considered the rival submissions, perusal of the case diary, as also the documents filed by the counsel for the applicant on record, it is



found that the applicant's defense is one of *alibi* that he was not present at Betma at the time of the incident and he has also relied upon the attendance register maintained by his employer and considering the fact that the material witnesses have already been examined and the fact that the applicant is suffering from cancer, this Court is inclined to allow the present bail application.

7. Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

8. M.Cr.C. stands *allowed*.

(SUBODH ABHYANKAR)
JUDGE