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MCRC-18416-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17<sup>th</sup> OF MAY, 2025MISC. CRIMINAL CASE No. 18416 of 2025*TARUN SHRIVASTAVA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Dharmendra Chelawat, Advocate for the applicant.*

*Shri Santosh Singh Thakur, Govt. Advocate for the respondent/State  
alongwith I.O/S.H.O - Sunil Sharma of PS. Nowgaon.*

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ORDER

This *first* application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No.09/2025 registered at Police Station, Nowgaon, District Dhar (M.P.) for offence punishable under Sections 103(1) of Bharatiya Nyaya Sanhita, 2023. The applicant is in judicial custody since 19.02.2025.

As per the case of prosecution, Mamta W/o Tarun Shrivastava was admitted at T. Choitram Hospital, Indore due to burn injuries. On 20.10.2024, Mamta succumbed to death during treatment on 31.10.2025. The P.S. Rajendra Nagar, Indore registered unnatural death intimation no.54/24. The dead body of Mamta was forwarded for postmortem examination. The medical officer has opined that Mamta had died due to burn injury and its complications. During inquest, brother Santosh and father Omnarayan



alleged that Mamta was married to applicant Tarun Shrivastava 15 years ago. Tarun used to manhandle her. On 19.10.2024, Mamta called them on mobile phone and informed that Tarun is beating her. On the same night, Tarun informed that Mamta has suffered burn injuries. Mamta before her death informed Santosh that Tarun had poured petrol on her and set her ablaze. He did not try to save her. On such allegations, P.S. Nowgaon, District Dhar(M.P.) registered FIR for offence punishable u/S 103(1) of BNS, 2023 against applicant Tarun Shrivastava. Tarun was arrested on 19.02.2025. He is in custody ever since. On completion of investigation, final report was submitted.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in the matter. The relatives of the deceased have made false allegations due to dismay and pain caused by unfortunate death of Mamta. No offence, as alleged, is committed by the applicant. Mamta suffered burn injuries as her Maxi caught fire from burning lamp during "Puja"(prayer) at home. Learned counsel, referring to the statement of neighbours Raj Dixit, Praveen Agrawal and Jayant Rathore, who accompanied Mamta to the hospital immediately after the incident, submits that none of the witness alleged any misdeed against the applicant, rather, all of them have unanimously stated that when Mamta was asked about the incident, she informed that her cloths(Maxi) caught fire from the burning lamp. Learned counsel further referring to the statement of A.S.I. Naveen Joshi of Police outpost Bhoj Hospital, Dhar and Dr. Vijaysingh Makwana, Medical officer



of Bhoj Hospital, Dhar submits that when Mamta was brought for treatment, she had informed that her Maxi caught fire from the burning lamp during 'puja'(prayer). Learned counsel further referred to the initial video/Dying Declaration dated 18.11.2024 of Mamta to contend that in her initial Dying Declaration, Mamta did not make any allegations against her husband Tarun. Almost a month after the incident, Santosh, brother of Mamta and her father Omnarayan stated that Mamta had informed them that her husband had poured petrol on her and set her ablazed. But no traces of petrol and other inflammable liquid were found from the spot of incident. Learned counsel further submits that the applicant is aged 44 years. He is a teacher in Govt. School. No criminal antecedents is reported against the applicant. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

*Per contra*, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence and submits that Santosh, brother of the deceased did not report the matter initially as they were distressed and pained by death of Mamta. The call details report corroborates communication between Mamta, her brother Santosh and her father Omnarayan. The subsequent Dying declaration/video produced by her brother supports the prosecution wherein Mamta has alleged that her husband Tarun had set her ablaze, therefore, the applicant may not be extended benefit of bail. However, after going through case diary, he fairly states that no criminal antecedent is reported against the applicant.



Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

Allegedly, the applicant Tarun set ablaze his wife Mamta in the night of 19.10.2024. When Mamta was taken to Bhoj Hospital, Dhar and later shifted to T. Choitram Hospital, Indore she informed the doctors that her Maxi caught fire from burning lamp. She did not allege any misdeed against her husband. The neighbours and other witnesses also stated the same fact. A month after, Santosh, brother of deceased revealed for the first time on 22.11.2024 that Mamta had informed him about the alleged act of applicant. The veracity of the prosecution will be determined after evidence in trial.

As informed, the applicant is aged around 44 years. He is a Govt. teacher by profession and is the sole bread earner of the family. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of criminal antecedents, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant or repeating the offence. The trial would take time to conclude. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, present application is allowed.



Accordingly, it is directed that **applicant - Tarun Shrivastava** shall be released on bail in connection with the crime as stated in para-1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/Committal Court for compliance with conditions, as may be imposed by such Court under Section 437(3) of Cr.P.C. 1973/ Section 480(3) of BNSS, 2023, to secure presence of the applicant for the trial.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)  
JUDGE