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MCRC-21963-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 27<sup>th</sup> OF JUNE, 2025MISC. CRIMINAL CASE No. 21963 of 2025*SMT FUNDABAI AND OTHERS**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Manoj Saxena - Advocate for the applicants.*

*Shri Vishal Singh Panwar -GA appearing on behalf of Advocate General.*

*Shri Nitin Singh Bhati, Advocate for the respondent/objector.*

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ORDER

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

2] This is the applicants' first bail application filed under Section 483 of B.N.S.S./ 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with **Crime No.29/2025** registered at **Police Station Dewas Gate, District Ujjain** for offence punishable under Sections 302, 201, 120/34 of IPC/ Bharatiya Nyaya Sanhita, 2023. The applicants are in custody since 05.05.2025.

3] The allegations against the applicants is of murder of one Sanjay Parmar by giving (celphos). Deceased Sanjay happens to be the husband of the applicant no.5/Jyoti Malviya and the son-in-law of applicants no.1 and 2. The applicant no.3 is sister of the applicant no.5 and applicant no. 4 is the sister of the co-accused Ankit. It is alleged that the applicant no.5, in conspiracy with other co-accused persons and also co-accused Ankit Parmar, committed murder of the deceased, who was her husband. It is also alleged that on 10/12/2023, deceased Sanjay Parmar had come to Ujjain along with his wife-applicant no.5/Jyoti Malviya to see her mother, the applicant no.1/Kunda



Bai, who was admitted in the hospital and was also discharged on 12.12.2023. The co-accused Ankit Parmar happens to be brother-in-law of applicant no.5, being the husband of her sister Roshani Malviya who is also accused in the present case.

4] The case of the prosecution is that since the applicant no.1 was admitted in the hospital, all her family members, who are the present applicants, had come to Ujjain and were residing in the house of the co-accused Ankit Parmar. On 12/12/2023, the applicant no.1 was discharged, and in the evening all the family members went to a fair (Kartik Mela) and came back in the night. However, in the night Sanjay Parmar the husband of applicant no.5 complained of uneasiness and headache, and thereafter co-accused Ankit and applicant no.5/Jyoti took him to the hospital where he was admitted, and he was also given drip and was soon discharged from the hospital. However, when he came back, he became serious and was again taken to the hospital, where he died in the morning. In the postmortem report, the cause of death is shown to be cardio respiratory failure. However, in the FSL report it was found that the viscera contained aluminium phosphide (sulphas), thus, the FIR was lodged and the accused persons were arrested.

5] Counsel for the applicant has submitted that the applicant no.1 was admitted in the hospital on 10/12/2023 and was discharged only on 12/12/2023, whereas the deceased Sanjay died in the night of 12-13/12/2023. In such circumstances, it cannot be believed that soon after her discharge from hospital she would indulge in such an act. It is also submitted that it might be true that the deceased had died due to Sulphas, however, there is nothing on record to suggest that the applicant no.5 or co-accused Ankit were having an affair or illicit relationship which led them to commit murder of deceased Sanjay. It is also submitted that the applicant no.2 is husband of the applicant no.1 whereas applicant no.3-Sandhya is daughter of applicant nos.1 and 2 whereas applicant no.4-Meena happens to be sister of co-accused Ankit who have been falsely implicated only on the asking of the complainant party.

6] Counsel for the applicant has stated that except the statement of the



family members of the deceased who have raised a doubt about the relationship of applicant no.5 and co-accused Ankit, there is nothing on record to connect the applicants with the present offence. Thus, it is submitted that the applicants be released on bail as the charge sheet has already been filed.

7] Counsel for the objector as also respondent/State have opposed the prayer.

8] Shri Bhati, learned counsel for the objector has submitted that the applicant no.5 and her brother-in-law/co-accused Ankit were having an affair which has led to the murder of deceased Sanjay as certain injuries marks were also found on the person on the deceased and admittedly he was residing in the house of co-accused Ankit in whose house the other applicants were residing. Thus, no case for grant of bail is made out.

9] Having considered the rival submission and on perusal of the case diary. it is found that deceased has died in rather suspicious circumstances. In the postmortem report, it was found that some dressing was done over the forehead and chin of the deceased, but no visible injuries were deducted and cause of death is also shown to be due to cardio respiratory failure. However, in the FSL report, in the visera contents aluminum phosphide (celphos) was found to be present, and thus, it has been presumed that the deceased was administered poison by the applicants.

10] There is some suspicion regarding the manner in which Sanjay was brought to the hospital but there is nothing on record to suggest that the applicant no.5 and co-accused Ankit were having an affair. In such circumstances, this Court is of the considered opinion that actual cause of death of deceased can be found only after the evidence is led in the trial Court, thus, further custody of the applicants does not appear necessary under the facts and circumstances of the case. Thus, the fact that the applicants are lodged in jail since 05.05.2025 and the final conclusion of trial will take sufficient long time, this Court is inclined to allow the bail application of the applicants. Accordingly, this Court is inclined to allow the present application.

11] Accordingly, without commenting on the merits of the case, the



application filed by the applicants is allowed. The applicants are directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety each of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they 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.

12] M.Cr.C. stands **allowed and disposed of.**

Certified copy as per rules.

(SUBODH ABHYANKAR)  
JUDGE

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