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MCRC-26751-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 11th OF JULY, 2025

MISC. CRIMINAL CASE No. 26751 of 2025

MAMTA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

*Shri C. L. Yadav, Senior Advocate, along with Shri Aman Patel,
Advocate for the applicants.*

*Shri Vishal Singh Panwar, Govt. Advocate appearing on behalf of the
Advocate General.*
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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 they are implicated in connection with **Crime No.841/2023** registered at Police Station **Aerodrum, District Indore** for offence punishable under Sections 120-B, 449, 302,201/34 of IPC/ Bharatiya Nyaya Sanhita, 2023 and Section 25(1-B)(B) of the Arms Act. The applicants are in custody since 10/12/2023.

3] Allegations against the applicants of their involvement in the double murder case.

4] The case of the prosecution is that the deceased Sarita and her acquaintance Ravi Thakur were found murdered in the house of Sarita on



9/12/2023. The incident came to light only when the daughter of the deceased came to the house in the evening and found that both the deceased persons were naked and lying in a pool of blood. During the investigation, it came to light that applicant no.1 Mamta and applicant no.2, Nitin, both used to go to the house of the deceased Sarita, and when the CCTV footage were checked, both applicants were seen entering and exiting in the house of the Sarita.

5] Learned senior counsel for the applicants has submitted that the applicants have been falsely implicated in the case only because of their acquaintance with the deceased Sarita. It is further submitted that the applicants are lodged in jail since 10/12/2023 and till date, only ten witnesses have been examined out of 22 witnesses and that the conclusion of the trial is likely to take sufficient long time, thus, the bail application of the applicants be allowed.

6] Learned senior counsel for the applicants has also relied upon a decision rendered by the Supreme Court in the case of **Tapas Kumar Palit Vs. State of Chattisgarh** reported as AIR 2025 SC 940.

7] Learned counsel for the respondent/State, on the other hand, has opposed the prayer.

8] Having considered the rival submissions and on perusal of the case diary and also taking note of the fact that it is a case involving murder of two persons in a brutal manner, this Court is of the considered opinion that it is not a case where the applicants can be released on bail only because of delay in trial specially when 10 witnesses have already been examined and there



are more 12 witnesses to be examined, in such circumstances, no case for grant of bail is made out.

9] So far as the decision rendered by the Supreme Court in the case of **Tapas Kumar Palit** is concerned, the aforesaid case is related to naxalite activity wherein certain incriminating articles were seized from the appellant, and as many as 100 witnesses were cited by the prosecution out of which only 42 witnesses were examined, and the appellant was lodged in jail since 24.3.2020. Thus, the facts are clearly distinguishable and cannot be equated to the present case wherein two persons were alleged murdered by the applicants; and thus, the same is of no avail to the present applicants.

10] However, the learned judge of the trial Court is requested to expedite the trial and try to conclude the same as expeditiously as possible.

11] Accordingly, MCRC stands **dismissed**.

(SUBODH ABHYANKAR)
JUDGE