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MCRC-43395-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 13th OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 43395 of 2025

ISHWAR

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Ms. Nupur Garg, Advocate for the applicant.

Shri Tarun Pagare, Govt. Advocate for the respondent/State.
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ORDER

This is *fifth* application filed under section 483 of the BNSS, 2023 for grant of temporary bail in connection with Crime No.188/2023 registered at Police Station - Agar, District - Agar Malwa(M.P.) for offence punishable under Section 8/15 of NDPS Act. He is in custody since 30.03.2023.

The first application for temporary bail of the applicant has been dismissed on merit *vide* order dated 24.08.2023, passed in M.Cr.C. No.36533/2023. His second application for temporary bail has been allowed vide order dated 01.11.2023, passed in M.Cr.C.No.42725/2023. Thereafter, his third application has been dismissed on merit *vide* order dated 28.07.2025, passed in M.Cr.C. No.4006/2025. His fourth application has been dismissed as withdrawn *vide* order dated 28.08.2025, passed in M.Cr.C. No.38291 of 2025 with liberty to the trial Court to expedite the trial within four months.



Learned counsel for the applicant submits that the present application for grant of temporary bail to the applicant has been filed on the ground of ill-health of wife of the applicant.

Learned counsel for the applicant submits that the applicant's wife - Maya Bai is examined at Gandhi Medical College & Hamidia Hospital, Bhopal and is suffering from unstable angina and myocardial infarction and has to undergo treatment. She has been advised for continuous checkup because the condition is of a progressive nature. Learned counsel submits that she is critically ill and requires proper medical treatment. Therefore, applicant be extended temporary bail.

Learned Counsel for State referred to the medical report dated 10.09.2025 received from the CM & HO of Cardiology GMC Hamidia Hospital, Bhopal and medical officer of Gandhi Medical College and Hamidia Hospital, Bhopal dated 11.10.2025 and verified the aforesaid factum of ailment of applicant as well as the medical papers. The Medical Board has opined that the wife of applicant Maya Bai is diagnosed with heart disease and needs proper treatment. However, he fairly submits that as per the verification report, wife of applicant is in need of proper treatment in the hospital and no care giver except two daughters aged around 20 years and 17 years and one son aged around 14 years.

Heard learned counsel for the parties.

Considering the aforesaid, the present application for temporary bail is allowed and it is hereby directed that subject to deposit of cash amount of Rs. 25,000/- in the trial Court, the applicant shall be released on temporary



bail for a period of **One month** from the date of his release, on his furnishing personal bond of **Rs. 1,00,000/- (Rupees One Lac Only)** with one surety of the like amount to the satisfaction of the Court concerned. The applicant shall abide by the conditions enumerated u/S 437(3) of Cr.P.C. In case of failure to comply the order within 03 days or violation of condition of bail, this bail order shall automatically stand cancelled.

The applicant shall surrender before the trial Court on or before expiry of period of **One month**. The cash amount be returned to the applicant on surrender, else it will be forfeited. Necessary papers regarding surrender of the applicant and treatment of his wife be furnished to this Court.

M.Cr.C. stands disposed of accordingly.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE