

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

ON THE 26th OF APRIL, 2024

MISC. CRIMINAL CASE No. 12409 of 2024

BETWEEN:-

**SALMA W/O YUNUS KHAN, AGED 50 YEARS,
OCCUPATION: HOUSEWIFE R/O H. NO.2958, JOSHI
MOHALLA, DIST. MHOW, INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ABHINAV DIXIT - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KISHANGANJ, MHOW, DISTRICT INDORE
(MADHYA PRADESH)**

.....RESPONDENT/STATE

***(SHRI RAHUL SOLANKI - GOVT. ADVOCATE AND SHRI VISHAL SHARMA -
OBJECTOR)***

.....

*This application coming on for admission this day, the court passed the
following:*

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant, in connection with FIR/Crime No.1068/2023, Date :- 09.11.2023 registered at P.S. - Kishanganj, District - Indore (M.P.) for commission of offence punishable under Sections 302, 201 and 34 of the IPC.

2. Prosecution story, in brief is that on 03.11.2023, a dead body of the deceased Ram Sumran was found lying on in a pit in a farmland of Jeetendra Dabar situated near Patal Pani. A Marg was registered. During Marg inquiry, it

was revealed that some unknown persons had killed the deceased by throttling and with intent to hide the evidence, they had thrown his body at the spot. An FIR was lodged against unknown persons. During investigation, it is revealed that the present applicant and co-accused persons Manoj Maurya and Rajesh Chaudhary killed the deceased by throttling. A pant and an underwear of the deceased and a rope, which was used in the offence was recovered at the instance of the present applicant. A mobile phone of the deceased, a motorcycle used in the offence and two letters were recovered at the instance of co-accused Manoj Maurya.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and has falsely been implicated in the case. It is submitted that there is no direct evidence in the case and entire prosecution case depends upon circumstantial evidence. Chain of circumstances are neither complete nor exclusively against the applicant. It is also submitted that there is no reliable evidence available on record to connect the applicant in the crime. It is also submitted that the applicant is in custody since 10.11.2023. After completion of investigation, charge-sheet has been filed. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

3. On other hand, learned counsel for the State/non-applicant as well as learned counsel for the objector have opposed the prayer of the applicant. Learned counsel for the objector also submitted that the co-accused Manoj Maurya had taken loan of Rs.5,00,000/- from the deceased. The deceased kept on demanding to repay the loan amount. Manoj killed the deceased so that he does not has to pay the loan amount to the deceased. He took help of applicant and Rajesh Chaudhary and paid them Rs.50,000/- to each for the same. Chain

of the circumstances is complete against the applicant, therefore, she is not entitled for bail.

4. Having heard learned counsels for the parties, perused the case-diary also considering the facts and circumstances of the case, in view of this Court, it is not a fit case to grant bail to the applicant. Resultantly, application for bail is **rejected**.

(PRAKASH CHANDRA GUPTA)
JUDGE

Shruti

