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

**BEFORE
HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI
ON THE 19th OF APRIL, 2024**

MISC. CRIMINAL CASE No. 14239 of 2024

BETWEEN:-

**BABITA W/O SUNIL KEMIYA, AGED ABOUT 35 YEARS,
OCCUPATION: HOUSE WORK 408, CHACHI GALI KE
PASS, KULKARNI KA BHATTA, INDORE, DISTT. INDORE
(MADHYA PRADESH)**

.....APPLICANT

**(SHRI HARISH CHANDRA TRIPATHI, LEARNED COUNSEL FOR THE
APPLICANT)**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION KHUDEL, DISTT.
INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI BHUWAN GAUTAM - GOVT. ADVOCATE FOR THE RESPONDENT)

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

ORDER

Case Diary is perused.

Learned counsel for the rival parties are heard.

2 . The applicant - **Babita W/o Sunil Kemiya** has filed this second repeat application under section 439 of the Cr.P.C. for grant of bail. The applicant has been arrested on 20.07.2022 by Police Station Khudel District Indore in connection with Crime No. 241/2018 for offence punishable under Section(s) 302, 201 r/W 34 of IPC. The first application was dismissed as withdrawn vide order dated 15.05.2023 in M.Cr.C.No. 13843/2023.

3. The prosecution story in short is that applicant had committed murder of

deceased Sapna by using knife. After committing murder, in order to destroy the evidence, she with the help of her husband i.e. accused Sunil and another co-accused Bunty kept the dead body of Sapna in a box and disposed it off by throwing the same in a near by well. On the basis of aforesaid, crime was registered against the applicant as well as other co-accused persons.

4. Learned counsel for the applicant submits that the applicant is a lady aged about 35 years and has been falsely implicated. She is in custody since 20.07.2022. Charsheet has been filed. No further custodial interrogation is required. Out of 22 prosecution witnesses, only 11 prosecution witnesses have been examined and majority of them have not supported the story of prosecution. Moreover, there are no eye-witnesses of the crime. Applicant has no criminal antecedent. The conclusion of trial will take considerable time, The applicant is ready to abide by all the terms and conditions as may be imposed by this Court. Under these circumstances, prayer for grant of bail is made.

5. Learned counsel for the respondent/State opposes the application and submits that applicant has committed a heinous offence. She is the main accused. Hence, application filed by the applicant deserves to be rejected.

6. Having heard, learned counsel for the parties and considering the facts and circumstances of the case as well as the fact that applicant is a lady and is languishing in custody since the last one year and eight months, this Court is inclined to extend the benefit of bail to the applicant.

7. Accordingly, without expressing any opinion on merits of the case, this application is **allowed** and it is directed that the applicant - **Babita W/o Sunil Kemiya** be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for her appearance on the dates given by the concerned Court.

8. This order will remain operative subject to compliance of the following conditions by the applicant :-

i. The applicant will comply with all the terms and conditions of the bond executed by him;

ii. The applicant will cooperate in the investigation/trial, as the case may be;

iii. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

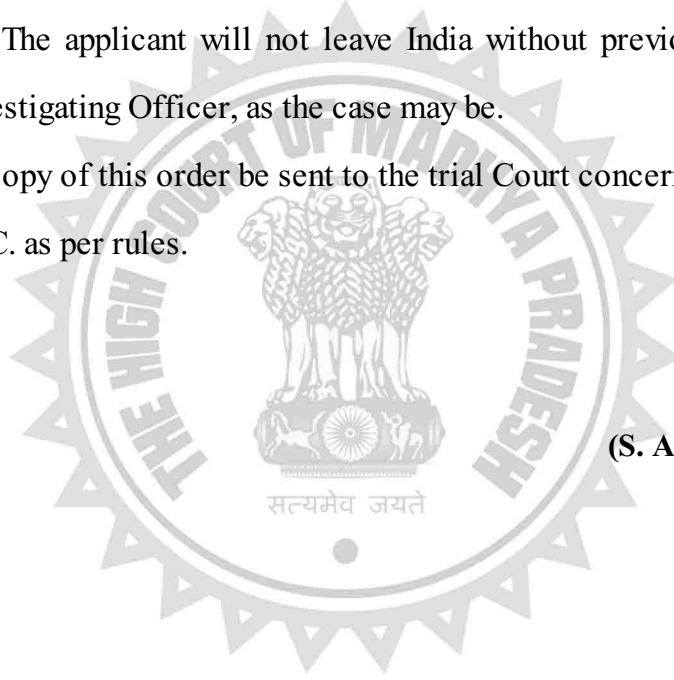
iv. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically, without further reference to the Bench;

v. The applicant will not seek unnecessary adjournments during the trial; and

vi. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the trial Court concerned for compliance.

C.C. as per rules.



**(S. A. DHARMADHIKARI)
JUDGE**

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