

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

**BEFORE  
HON'BLE SHRI JUSTICE ANIL VERMA  
ON THE 31<sup>st</sup> OF JANUARY, 2023**

**MISC. CRIMINAL CASE No. 3855 of 2023**

**BETWEEN:-**

**SULTANA D/O SHRI JARDAR KHAN, AGED ABOUT 26  
YEARS, OCCUPATION: NIL, R/O: CHOTI BEDIYA,  
DHANGAON, KHANDWA (MADHYA PRADESH)**

**.....APPLICANT**

**(BY SHRI JITENDRA PUROHIT - ADVOCATE)**

**AND**

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

**.....RESPONDENT**

**(BY SHRI VISHAL PANWAR - PANEL LAWYER)**

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

**ORDER**

Heard on I.A. No. 1380 of 2023, which is an application for ignoring the defects. But documents are quite legible. Therefore, I.A. No. 1380 of 2023 is allowed and defects is pointed out by the Registry is hereby ignored.

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of bail. The applicant is in custody since 10.12.2022 in connection with Crime No.382/2022 registered at Police Station Bediya, District Khargone (M.P.) for commission of offence punishable under sections 323, 342, 365, 366 and 506 of the Indian Penal Code of 1860.

As per prosecution story, on 04.12.2022 at about 3:00 PM prosecutrix alongwith his child went to throw the garbage, at that time present applicant came there on a car and she forcefully prosecutrix and her child sat in the car and threatened the prosecutrix if she shouted present applicant will kill both of them. Present applicant and her child kept the prosecutrix in her home for a period of four days. Thereafter, prosecutrix and her child have been recovered from the possession of the present applicant. Accordingly, offence has been registered against the applicant.

Learned counsel for the applicant submits that the applicant is an innocent person and she has been falsely implicated in this offence. She is in custody since 10.12.2022. Present applicant is a 26 years old lady and is suffering jail incarceration since 10.12.2022. Investigation is over and charge-sheet has been filed. Present applicant is not having any criminal past. Applicant is permanent resident of Khandwa district. Final conclusion of the trial is likely to take sufficient long time. Hence, he prays that present applicant be enlarged on bail.

Per contra, learned counsel for the respondent / State opposes the bail application and prays for its rejection by submitting that prosecutrix has corroborated the prosecution story in her statement recorded under Section 164 of Cr.P.C. Hence, she does not deserve for bail.

Perused the impugned order of the trial Court as well as the case diary.

After considering all the facts and circumstances of the case, nature and gravity of offence, arguments advanced by the learned counsel for the applicant and also taking note of the fact that prosecutrix has not mentioned abduction in her statement recorded under Section 164 of Cr.P.C., prosecutrix is a 22 years

old girl, motive for the aforementioned abduction has not mentioned in the FIR and statement of the prosecutrix recorded under Section 164 of Cr.P.C. and final conclusion of the trial will take sufficient long time. In view of the above, without commenting on the merits of the case, I deem it proper to release the applicant on bail.

Therefore, the application is allowed. It is directed that applicant be released on bail on her furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for her appearance before the trial Court, as and when required. She shall abide by all the conditions enumerated under Section 437(3) Cr.P.C.

Certified copy as per rules.

Anushree

(ANIL VERMA)  
JUDGE