

Daakha Bai Parihar vs The State Of Madhya Pradesh on 21 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:4749

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 21st OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 6790 of 2025
DAAKHA BAI PARIHAR
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Applicant by Shri Arpit Singh - Advocate.
Respondent - State of Madhya Pradesh by Shri Anand Bh
Government Advocate appearing on behalf of Advocate General.
Complainant - victim by Shri Mitesh Jain - Advocate.

ORDER

This repeat (second) bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) = Section 439 of Code of Criminal Procedure, 1973 (Code) has been filed for grant of regular bail by applicant Daakha Bai Parihar W/o Late Kanhaiyalal Parihar, who has been arrested on 18.12.2024 in relation to Crime/FIR No.878 of 2024 registered at Police Station Vijay Nagar, Indore District Indore (MP) for commission of offence under Sections 64 (2) (m), 89, 49, 296, 351 (3) and 3 (5) Bhartiya Nyaya Sanhita, 2023. Her first application Miscellaneous Criminal Case No.144 of 2025 has been dismissed by this Court vide order dated 23.01.2025 as withdrawn with a liberty to renew the prayer after filing of the charge sheet.

2. Learned counsel for the applicant submits that the role alleged NEUTRAL CITATION NO. 2025:MPHC-IND:4749 2 MCRC-6790-2025 against the applicant is that she has got terminated pregnancy of the victim, but he submits that consent was not filled up before termination of pregnancy and whereon the victim has consented for termination of her pregnancy. The applicant is suffering incarceration since 18.12.2024. Investigation is complete and charge sheet has already been filed. The trial will take time. Therefore, on these miscellaneous grounds, learned counsel prays for grant of bail to the applicant by allowing the application. In support of his submissions, learned counsel for the applicant has also placed reliance on a judgment delivered by the Apex Court in case of Prabhu alias Kulandaivelu v. State of Tamil Nadu reported in (2018) 18 SCC 798 (paragraph No.8).

4. Learned counsel for the complainant - objector has opposed the prayer specially referring to FIR wherein it has been vividly mentioned that the applicant along with son has got the medical termination which was caused by co-accused (son of the applicant) and she has been cheated by the applicant and her son and looking to the fact that son is bachelor and will marry the victim. On these submissions, learned counsel prays for dismissal of the bail application.

5. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the same line of objections; and prays for dismissal of the bail application.

6. Heard learned counsel for the parties with the aid of case diary.

7. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case and also looking to the active involvement of the applicant in the whole of the NEUTRAL CITATION NO. 2025:MPHC-IND:4749 3 MCRC-6790-2025 incident, this Court is not inclined to grant bail to the applicant.

Accordingly, bail application is dismissed.

(BINOD KUMAR DWIVEDI) JUDGE rcg