IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AJAY KUMAR NIRANKARI

ON THE 26th OF OCTOBER, 2026

MISC. CRIMINAL CASE No. 37723 of 2026

CNR No.: MPHC010561722026

SMT. GIRIBALA SINGH

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Surendra Singh Senior Advocate and Shri Ajay Gupta - Senior Advocate with Shri Shivam Singh - Advocate Shri Enosh George Carlo - Advocate Shri Aswani Kumar Dubey -Advocate Shri Deepak Kumar Raghuwanshi - Advocate Shri Kapil Pathak - Advocate & Shri Jagat Singh - Counsel for the applicant.

Shri Sunil Jain - Additional Solicitor General and Shri Suyash Mohan Guru - Deputy Solicitor General with Shri Kartik Dubey and Shri Abhishek Dwivedi - Advocates for CBI

Shri Siddharth Luthra Senior Advocate with Shri Siddharth Agrawal-Senior Advocate(through VC) with Shri Vikram Johri, Shri Abhijeet Shinha, Shri Ankur Pandey, Shri Anuj Karnatak, Shri Piyush Kumar Tiwari and Shri Vikram Singh - Advocates for respondent.

Shri C M Tiwari - Government Advocate for State

ORDER

This is first application filed by the applicant under Section 483 of BNSS/ 439 of the Cr.P.C. for grant of regular bail relating to Crime No. RC 4(S)/2026/CBI/SC-III/ND, registered at Police Station - CBI SC III New Delhi (India) for commission of offence punishable under Sections 80(2), 85, 108 and 3(5) of BNS and Section 3/4 of Dowry Prohibition Act. The applicant is in jail since 02/06/2026.

2. As per prosecution case, the deceased, Twisha Sharma, came into contact with the co-accused, Samarth Singh, through an online dating application in February 2025. The deceased informed her family members that she is in a relationship with the co-accused, Samarth Singh, who is an advocate practicing in District Bhopal, and expressed her desire to marry him. Accordingly, their marriage was solemnized on 09.12.2025, with the consent of both families and in accordance with Hindu rites and rituals. All the expenses incurred in connection with the marriage were borne by the family members of the deceased. It is alleged that after the marriage, the deceased, Twisha Sharma, was subjected to mental cruelty by the co-accused, Samarth Singh, on several occasions. He allegedly abused her repeatedly by using derogatory and objectionable language. It is further alleged that the applicant, Giribala Singh, used to instigate her son, Samarth Singh from time to time, with the common intention of subjecting the deceased to mental cruelty. Whenever the deceased sought to complaint to the applicant about the mental cruelty allegedly inflicted upon her by Samarth Singh, the

applicant would allegedly shield her son instead of addressing her grievances. Thus, both the accused allegedly acted in concert to subject the deceased to mental and psychological harassment. Thereafter, on 16.04.2026, the deceased conducted a pregnancy test using a home pregnancy test kit at her matrimonial home and found that she was pregnant. On 17.04.2026, the deceased, accompanied by the co-accused, Samarth Singh, visited Hazela Hospital, Bhopal, for confirmation of her pregnancy. It is further alleged that the co-accused, Samarth Singh, was addicted to drugs, owing to which the deceased apprehended that his alleged drug addiction might cause deformities in the child during pregnancy.

3. The deceased further informed her parents that she was constantly kept under surveillance by the applicant, Giribala Singh, and her son, Samarth Singh, at her matrimonial home, which caused her mental distress and led her to become unwilling to continue with her pregnancy. In these circumstances the deceased took some (MTP) pills with the intention to terminate her pregnancy. Thereafter disputes were arose. Thereafter suddenly in the night of 12/05/2026 deceased Twisha Sharma was found hanging in her matrimonial house. After the incident she was brought at AIIMS Bhopal where doctor declared her dead. Since the matter pertains to unnatural death FIR was registered against applicant and co-accused.

4. Counsel for the applicant submits that applicant is innocent,

she has not committed any offence. He submits that except the WhatsApp chats in which there is allegation regarding the co-accused Samarth Singh only, there is no allegation that the applicant was anyhow involved in harassing the deceased or blaming over her character. In compilation, various photographs and letters have been submitted in which the deceased has clearly submitted that the respondent was taking care of. It is submitted that the statements of Dr. Satya Kant Trivedi and Dr. Kakoli Rai have been recorded by the police. According to the applicant, the statements of the aforesaid doctors indicate that the deceased was suffering from depression, which was attributed to her continued drug use. Their statements further suggest that the deceased herself wished to terminate her pregnancy, as she apprehended that her drug consumption might adversely affect the foetus. It is, contended that the aforesaid statements belie the prosecution's allegations that the accused had questioned the paternity of the unborn child or had pressurized the deceased to undergo an abortion.

5. It is further submitted that, if the aforesaid allegations of the prosecution are found to be unsubstantiated, the other allegations regarding the demand for dowry and the alleged cruelty perpetrated by the applicant and her son against the deceased also warrant careful scrutiny. The allegation of dowry demand is further disputed on the ground that the applicant and her son had transferred a sum of Rs. 7,50,000/- into the bank account of the deceased, which was operated by

the deceased herself and from which she allegedly utilized the funds for her own purposes. Conversely, there is stated to be no evidence to suggest that the parents of the deceased had transferred any money either to the deceased or to the bank accounts of the applicant and co-accused. It is, therefore, contended that these circumstances weigh against the prosecution's allegation that the accused had demanded dowry from the deceased. It is further submitted that there is no material on record to establish that, “soon before her death,” the applicant and her son had subjected the deceased to cruelty or harassed her in connection with any demand for dowry. Accordingly, it is contended that the essential ingredients of Section 80(2) of the Bharatiya Nyaya Sanhita, 2023, are not satisfied in the present case. It is also submitted that the prosecution has incorrectly alleged that the applicant failed to cooperate with the investigation by refusing to provide her voice sample when the investigating team visited her in prison.

6. Learned counsel for the applicant further submits that she had already provided her voice sample for a period of three hours on 09.07.2026 and had also expressed before the learned Remand Court that she had no objection to providing her voice sample again, if required. Consequently, the prosecution's application dated 14.07.2026, filed under Section 349 of the Bharatiya Nagarik Suraksha Sanhita, 2023, alleging non-cooperation on the part of the applicant, was disposed of with the observation that no order thereon is required. Similarly, the

apprehension expressed by the prosecution that the applicant may tamper with the evidence if released on bail is stated to be unfounded. It is submitted that the allegations against the applicant have been made by the close family members of the deceased, who are residents of Delhi, and there is no cogent material to suggest that the applicant, if enlarged on bail, would misuse her liberty or interfere with the course of justice. It is further contended that the prosecution's apprehension regarding the possibility of influencing or tampering with witnesses is based on general and unsubstantiated assertions and does not, in the absence of supporting material, constitute a sufficient ground to deny bail.

7. It is further submitted that the family members of the deceased are exerting pressure on the prosecution to register a criminal case against the applicant under Section 302 of the Indian Penal Code, thereby raising concerns regarding the manner in which the criminal proceedings are being pursued against the applicant. It is further submitted that there is no material on record to establish that the applicant had, at any point of time, abetted or instigated the deceased to commit suicide.The applicant is aged about 64 years and has also served as a member of the Higher Judiciary. It is contended that her custodial interrogation is no longer required for the purposes of investigation and her continued detention would serve no useful purpose. In these circumstances, the applicant prays that she be enlarged on bail. In support of his contention counsel for the applicant has placed reliance

upon the judgment passed by the Supreme Court in **Mahendra Awase Vs. State of Madhya Pradesh**, reported in (2025) 4 SCC 801, **Jayedeepsingh Pravinsingh Chavda and others Vs. State of Gujrat**, reported in (2025) 2 SCC 116, **Arnesh Kumar Vs. State of Bihar and another**, reported in 2014(8) SCC 273 and **Jayesh Khanna Vs. Assistant Commissioner Law and order (West) ETC** reported in 2026 SCC online SC 1025. By putting pressure on paragraphs 23,27,29 & 37 o f **Jayedeepsingh Pravinsingh Chavda and others Vs. State of Gujrat,** counsel for the applicant submits that for a conviction under Section 306 of IPC it is a well-established legal principle that the presence of clear *mens rea* the intention to abet the act is essential. Mere harassment by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mensrea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without, this the foundational requirement for establishing abetment under the law is not satisfied. Underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide. He submits that for a conviction under Section 306 of IPC there must be clear evidence of direct or indirct acts of incitement to commit suicide. The cause of suicide especially in the context of abetment involves complex atributes of human behaviour and reactions, requiring the court to rely on cogent

and convicncing proof of the accused's role in instigating the act. He submits that mere allegations of harassment are not enought unless the accused's actions were so compelling that the victi perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide.

8. Per contra, learned counsel for CBI, as well as objector and State submit that, after her marriage, the deceased, Twisha Sharma, was subjected to mental cruelty by the co-accused, Samarth Singh, who allegedly abused her on several occasions by using derogatory and insulting language. It is further submitted that the applicant used to instigate her son, the co-accused Samarth Singh, from time to time, with the common intention of subjecting the deceased to mental cruelty. Whenever the deceased attempted to complaint to the applicant regarding the alleged cruelty inflicted upon her by Samarth Singh, the applicant would allegedly shield her son instead of addressing her grievances. It is submitted that the deceased was deeply hurt and distressed by the mental cruelty inflicted upon her and the derogatory language used by the co-accused Samarth Singh, which ultimately compelled her to leave her matrimonial home on 17.04.2026. The deceased had allegedly informed her family members that Samarth Singh was addicted to drugs and she apprehended that his alleged drug addiction might cause deformities in the unborn child during pregnancy. It is further submitted that the deceased maintained a Demat account

containing investments in equity shares valued at approximately Rs. 20,00,000/-. Upon learning about these investments, the applicant and the co-accused Samarth Singh allegedly pressurized the deceased, acting with a common intention, to transfer the said amount into a joint bank account held by the deceased and Samarth Singh. The said joint account had been opened on 07.04.2026 with the State Bank of India, Baghmugaliya Branch, for this purpose. However, the deceased allegedly refused to transfer the invested amount, stating that the money belonged to her father.

9. It is further contended that, following her refusal, both the accused continued to subject her to mental cruelty. The deceased also informed her parents that she was constantly kept under surveillance by the applicant and the co-accused Samarth Singh at her matrimonial home. It is further submitted that the applicant allegedly subjected the deceased to mental harassment by taunting her about her past career in modelling and acting and questioning her regarding the extent of her intimacy with other persons during her professional engagements in the entertainment industry. Learned counsel for the objector further submits that the deceased had met Shri Amit Das, her former employer, in Gurugram and informed him about the manner in which she was allegedly being treated by her in-laws at Bhopal. She also expressed her urgent need to secure employment. According to the objector, the deceased informed Shri Amit Das that the applicant frequently taunted

her and her husband invariably sided with his mother. It is further submitted that the deceased visited Bansal Hospital along with the co-accused Samarth Singh, where she consulted Dr. Nidhi Nagar and expressed her unwillingness to continue with her pregnancy. As the deceased did not wish to continue the pregnancy, the doctor allegedly prescribed medical termination of pregnancy (MTP) pills. Learned counsel for the objector emphasizes that the deceased had not visited the hospital alone for terminating her pregnancy and the co-accused Samarth Singh had accompanied her for the same purpose. In support of the allegations of mental cruelty.

10. Learned counsel for the objector has drawn the attention of this Court to WhatsApp conversations exchanged between the deceased and her mother on 07.05.2026. In the said conversation, the deceased allegedly requested her mother to come and take her away from her matrimonial home, stating as follows: *"Maap app mujhe yaha se lene aajao kal please. I don't think Samarth ko ab main chaheye hu, kal subah phone karna pata nahi ab mine kya kiya Samarth ne kaha hai 1 sall se jhel raha hai mujhe, mujhe nahi samajh aa raha hai mummy main kru to kya karu. Aap dekh lo kal ya parso ki koi ticket mile toh direct train bhi hai. Aap akeli hee aana hum saath chal lenge phir papa ko mat lana abhi chup chap nikalenge jaisses ye sab yah bolenge vaise kar denge."* It is further submitted that, on 08.05.2026, the deceased sent another WhatsApp message to her mother, stating: *"Maine kaha tha mummy*

bacche ke bina meri koi izzat he nahi iske man mein bacche ke baad mujhe ye pagal sabit karke bachcha cheen leta mera to isne kya kya nahi bata diya poore parivar mein." It is further submitted that, shortly before the incident, the deceased contacted her father through WhatsApp, who found her crying. Upon being asked about the reason for her distress, the deceased allegedly informed him that Samarth Singh had become aggressive and violent towards her. She also expressed fear and requested her parents to come to her at the earliest. The deceased is stated to have contacted her mother as well and reiterated her apprehensions. With regard to the cause of death, learned counsel for the objector submits that the first post-mortem examination of the deceased was conducted by the doctors at AIIMS, Bhopal, who opined that the cause of death was antemortem hanging by ligature.

11. It is also contended that the family members of the deceased, however, suspected that the post-mortem report had been manipulated by the doctors at AIIMS, Bhopal, under the influence of the applicant and, accordingly, demanded a second post-mortem examination. As per the second post-mortem report, the cause of death was asphyxia resulting from antemortem hanging, which was suicidal in nature and caused by the ligature material examined, namely, a gymnastic belt with a ring. The report further records that no other injury of medico-legal significance was found on the body of the deceased to suggest an assault or scuffle prior to her death. Learned counsel for the objector submits that both

post-mortem reports consistently attribute the cause of death to antemortem hanging by ligature. Lastly, learned counsel for the objector submits that, on the date of the incident, the applicant had allegedly attempted to defend herself and had contacted certain influential persons.

12. It is contended that this circumstance also warrants consideration while examining the applicant's prayer for bail, particularly in view of the pending investigation and the forensic reports yet to be received. On the aforesaid grounds, counsel for respondents have prayed for rejection of the present bail application. In support of submission, counsel for respondents have placed reliance upon the judgment passed by the Supreme Court in **State of Bihar and another Vs. Amit Kumar alias Bachcha Rai,** reported in (2017) 13 SCC 751, **Satvir Singh and another Vs. State of Punjab and another,** reported in (2001) 8 SCC 633, and **State of U.P. through CBI Vs. Amarmani Tripathi,** reported in (2005) 8 SCC 21, **Yogendra Pal Singh Vs Raghvendra Singh alias Prince and another**, reported in 2025 SCC online SC 2580, **Shabeen Ahmad Vs. State of Uttar Pradesh and another,** reported in (2025) 4 SCC 172, **Smt.Shanti and another Vs. State of Haryana**, reported in (1991) 1 SCC 371, **Bhupendra Vs. STate of Madhya Pradesh,** (2014) 2 SCC 106, **Chetram Verma Vs. State of U.P.,** passed in Criminal Appeal No.770/2026, **Kalyan Chandra Sarkar Vs. Rajesh Ranjan alias Pappu Yadav and another**, reported in (2004) 7 SCC 528, **Arvind Kejriwal Vs. Central Bureau of Investigation**, reported in 2024 SCC online SC 2550,

State of U.P. through CBI Vs. Amarmani Tripathi, reported in (2005) 8 SCC 21, . It is further contended that after the deceased when deceased consumed MTP pills for termination of her pregnancy, the disputes arose between the deceased and the applicants.

13. It is also clear from whats app chat between deceased and her mother and sister in law wherein she is saying that "Amma nahi sun rahi hai ye sab bohot nirdayi hai mummy, saamne vale ke liye koi days nahi hai bus labour class ko apne daya dikhate hain. Mera dum ghuta ab yaha, neech baatein karta hai ye aadmi mujhse nahi hoga." She was chatting on 09/05/2026 with her sister in law wherein she stated that he has crossed all the limits today he asked me where it was his child or someone else's is that whey I aborted it" It told Amma that look what son is saying....he lied in front of her and she as usual chose to believe him. Rashi mera dum ghut raha hai ab like this I swear I will be able to find courage to finish myself completely, main aisi ladki nahi hu yaar, ye kya bol raha hai, I want to fucking die may, I swear I will, I'll find a way to vanish. On 1105/2026 the deceased again made complaints against both the accused persons through WhatsApp meassage to her mother about the continuous mental cruelty done by accused persons. On 11/05/2026 between 11:21 to 11:42 a.m. the deceased messaged her mother that "Inn sabko ye lagta hai ke mai drugs karti hu, isliye mera mood kaharab rahta hai. Bus ek baar dill mai ye nahi aaraha hai ki inka beta he mujhe chhod kar baitha hai. Mera mood iss vajaj se bhi kharab ho sakta hai mujhe

bahot zyada ghutan ho rahi hai maa, na rone denge ye log na hasne ke vajah denge. Main to bahut buri tarah phas gayi hu, mujhe pooch rahi thi tum dark se drugs toh nahi managavati. Pat hai hai yar aag lag gai hai jindagi mai meri." On the same day deceased again messaged her mother mentioning that "Amma aur Samarth dono aapas mein aise baat kar rahe hai jaise kuch hua he nahi hai na amma keh rahi kuch na vo kuch keh raha hai. Mera man nahi lagta ab kahin bhi ab kuch bhi nahi acha lagta."

14. It is submitted on the date of incident i.e 12/05/2026 morning the deceased called her mother and asked her to send Rs.3,000/- in her account so that she can book a ticket to Nasirabad, Rajasthan as today both of them were supposed to visit Dr.Kakoli Roy but accused Samarth Singh was not ready to visit her for couple counseling. The deceased further told her mother and sister-in-law that she did her best in this relation, now she wants to come back to them as accused Samarth Singh is not ready to visit doctor for couple counselling. At this the father of the deceased transferred an amount of Rs.3,000/-in her account and the deceased booked her train ticket to Nasirabad. After some time, the deceased informed her mother that when she told accused Samarth Singh that she has booked a ticket and going to her parents then Samarth Singh agreed to visit doctor. Again the deceased called Ms.Rashi Abrol, her sister-in-law at about 7:51 on 12/05/2026 and informed her that she has decided to come back and informed her that accused Samarth Singh is pressurizing her to transfer her investment so that he can invest the same

in Chinese Share market. Thereafter, at about 9:20 p.m.the deceased talked to Ms.Rashi Abrol who was in Nasirabad. The deceased was crying constantly and told her that due to back pain she requested accused Samarth Singh to sleep in the bedroom. Upon her request, Samarth Singh got aggressive and violent upon her. After that phone was hung up. At 9:29 p.m. the deceased picked up the phone of Ms.Rashi Abrol but due to crying of the deceased, no conversation took place and phone again hung up. Thereafter, the deceased messaged Ms.Rashi Abrol at about 9:36 p.m.mentioning that "Ask him to collect left over of his wife. But tomorrow. Let me die in peace right now." Thereafter, family members started calling the deceased but deceased did not pick up the phone. It is revealed from the record at 9:41 p.m. the deceased called her father on whatsapp call and he found her crying.

15. When he asked her about the reason of crying she told him that accused Samarth Singh had become very aggressive and violent towards her. She also informed him that she is scared and requested them to come to her at the earliest. At about 10:05 p.m.the deceased called her mother. Her mother found her crying. The deceased told her that accused Samarth Singh had become very aggressive and violent towards her and phone was hung up. Thereafter, her mother made many calls to the deceased but was not picked up by the deceased. She also made calls to Samarth Singh but same were not picked up by him. As per CCTV footage at 10:23 p.m. Giribala Singh followed by Samarth

Singh are seen going towards terrace from first floor. Thereafter, applicant Giribala Singh came down to open the main gate. It is also submitted Samarth Singh his cousin Swaraj Singh and Pramod Kumar Jharia house help are seen in the CCTV footage carrying the deceased on the stairs leading to the ground floor. It is further submitted that the investigation in the present case is still pending, particularly with regard to the allegations under Section 80(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

16. It is submitted that further investigation under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023, is also stated to be continuing. Learned counsel for the objector has further submitted that the investigating agency is required to examine, inter alia, the following aspects: (i) Further investigation into the allegations of demand for dowry and dowry death. (ii) Extraction and forensic examination of data from the primary mobile phone, namely, the iPhone of the deceased, which may reveal incriminating material against the accused, indicate the involvement of other persons, or lead to the identification of additional witnesses. The extraction report in respect of the said device is stated to be awaited. It is also submitted that the extracted data from the DVR installed at the applicant's residence has been forwarded to the Central Forensic Science Laboratory (CFSL), Directorate of Forensic Science Services (DFSS), New Delhi, for forensic examination to ascertain the continuity and integrity of the recorded data. The report is awaited, and,

in the event that any tampering with the data is detected, the same would require further investigation.

17. I have heard the submissions made by counsel for the parties and perused the case diary and material available on record.

18. Perusal of the case diary reveals that after the deceased consumed MTP pills for termination of her pregnancy, disputes arose between the deceased and the applicant. Further, the transcript of the recorded conversations between the deceased and the applicant prima facie indicates that the disputes between them arose subsequent to the termination of the pregnancy by the deceased. Learned counsel for the applicant by placing reliance on **Jayedeepsingh Pravinsingh Chavda and others(supra)** has contended that for a conviction under Section 306 of IPC it is a well-established legal principle that the presence of clear *mens rea* the intention to abet the act is essential. Mere harassment by itself, is not sufficient to find an accused guilty of abetting suicide. However, this Court is of the view that the question of *mens rea* cannot be examined in isolation at this stage and requires consideration in the light of the entire material collected during investigation. The facts and circumstances of the present case are distinguishable from those of the judgment relied upon by learned counsel for the applicant. Consequently, the ratio laid down in the said judgment is not directly applicable to the facts of the present case.

19. It is further evident from the WhatsApp conversations

exchanged between the deceased and her mother and sister-in-law that the deceased was allegedly subjected to continuous mental harassment and cruelty by the accused persons. In her WhatsApp conversation dated 09.05.2026 with her sister-in-law, the deceased expressed severe mental distress and stated that her husband had crossed all limits by questioning the paternity of the child and asking whether the child was his or someone else's, and whether that was the reason she had aborted the pregnancy. She further expressed that she was unable to bear the situation and was feeling suffocated in the matrimonial relationship. The deceased also expressed thoughts of ending her life.

20. The WhatsApp conversations dated 11.05.2026 further indicate that the deceased continued to complain to her mother regarding the alleged mental harassment and conduct of the accused persons. During the conversation between 11:21 a.m. and 11:42 a.m., the deceased stated that the accused persons suspected her of consuming drugs and attributed her disturbed mental condition to the same, without understanding the circumstances in which she was living. She further expressed that she was feeling extremely suffocated, was not even allowed to cry or express happiness, and felt trapped in the matrimonial home. On the same day, the deceased again informed her mother that both accused persons were behaving as though nothing had happened and she was finding it increasingly difficult to remain in the matrimonial relationship. These conversations, at this stage, prima facie indicate the

mental distress allegedly experienced by the deceased prior to the incident. It is further revealed from the case diary that on the morning of 12.05.2026, the deceased contacted her mother and requested her to transfer Rs.3,000/- to her bank account so that she could book a train ticket to Nasirabad, and return to her parental home. The deceased informed her family members that she and accused Samarth Singh were scheduled to visit Dr. Kakoli Roy for couple counselling, but accused Samarth Singh is initially unwilling to accompany her. The father of the deceased accordingly transferred Rs.3,000/- to her account, pursuant to which she booked her train ticket to Nasirabad. Thereafter, the deceased informed her mother that when she told accused Samarth Singh about her decision to return to her parental home, he agreed to accompany her to the doctor for counselling. At approximately 7:51 p.m. on 12.05.2026, the deceased again contacted her sister-in-law, Ms. Rashi Abrol, and informed her that she had decided to return to her parental home. She also alleged that accused Samarth Singh is pressurising her to transfer her investments so that the same could be invested in the Chinese share market.

21. The case diary further reveals that at approximately 9:20 p.m. on 12.05.2026, the deceased contacted Ms. Rashi Abrol, who was then at Nasirabad. During the conversation, the deceased was allegedly crying continuously and informed her sister-in-law that when she requested accused Samarth Singh to allow her to sleep in the bedroom

on account of back pain, he became aggressive and violent towards her. Thereafter, the telephone call got disconnected. At approximately 9:29 p.m., the deceased again answered the call made by Ms. Rashi Abrol; however, as she was crying, no meaningful conversation could take place and the call was again disconnected. Thereafter, at approximately 9:36 p.m., the deceased sent a WhatsApp message to Ms. Rashi Abrol stating, "**Ask him to collect left over of his wife. But tomorrow. Let me die in peace right now."** The case diary further indicates that the family members thereafter repeatedly attempted to contact the deceased, but she did not respond to their calls. At approximately 9:41 p.m., the deceased made a WhatsApp call to her father, who found her crying. Upon being asked about the reason, she allegedly informed him that accused Samarth Singh had become extremely aggressive and violent towards her. She further expressed fear and requested her family members to reach her at the earliest. At approximately 10:05 p.m., the deceased again contacted her mother, who also found her crying. The deceased reiterated that accused Samarth Singh had allegedly behaved aggressively and violently towards her. Thereafter, the call got disconnected. Her mother repeatedly attempted to contact her and also made calls to accused Samarth Singh, but the calls were not answered.

22. The CCTV footage collected during investigation further reveals that at approximately 10:23 p.m., applicant Giribala Singh, followed by accused Samarth Singh, was seen proceeding towards the

terrace from the first floor. Thereafter, applicant Giribala Singh came downstairs to open the main gate. The footage further shows accused Samarth Singh, his cousin Swaraj Singh and Pramod Kumar Jharia, the house help, carrying the deceased on the staircase leading towards the ground floor. It is further revealed from the case diary that the deceased was thereafter taken to AIIMS, Bhopal, where the attending doctor declared her dead at approximately 10:55 p.m. and informed the police regarding the unnatural death. The first post-mortem examination of the deceased was conducted by the doctors of AIIMS, Bhopal, wherein the cause of death was opined to be asphyxia due to antemortem hanging by ligature. Subsequently, a second post-mortem examination was conducted on 24.05.2026 by a Medical Board comprising doctors from AIIMS, New Delhi, at Bhopal. As per the opinion of the said Medical Board, the cause of death is asphyxia as a result of antemortem hanging, suicidal in nature, produced by the examined ligature material, i.e., a gymnastic belt with a ring. Thus, both the post-mortem reports indicate antemortem hanging by ligature as the cause of death. It is also apparent from the final investigation report that further investigation in the matter is still in progress under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

23. The data extraction from the primary mobile phone, namely the iPhone belonging to the deceased, is still awaited. Such extraction may reveal further material relevant to the allegations against the

accused persons and may also assist in identifying other witnesses connected with the incident. Similarly, the extracted data from the DVR installed at the residence of the applicant has been forwarded to the Central Forensic Science Laboratory (CFSL), Directorate of Forensic Science Services, New Delhi, for forensic examination, particularly to ascertain the continuity and authenticity of the CCTV footage. The forensic report is still awaited. In the event that any alteration or tampering with the recorded data is detected, the same may require further investigation. The case diary also contains material indicating that, after the incident, the applicant allegedly contacted certain influential persons holding high positions. The circumstances surrounding such communications would also require examination during further investigation. Learned counsel for the applicant has contended that there was no mens rea on the part of the applicant. However, having regard to the WhatsApp conversations exchanged by the deceased with her family members immediately prior to the incident, the CCTV footage collected during investigation, the circumstances in which the deceased was found and the material relating to the subsequent conduct of the accused persons, this Court is of the view that the allegations and the respective roles of the accused persons require further investigation and careful examination during trial. At this stage, the contention regarding absence of mens rea cannot be considered in isolation from the other circumstances emerging from the case diary.

24. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations, the material collected during investigation, the circumstances immediately preceding the death of the deceased, the CCTV footage, the post-mortem reports and, particularly, the fact that further investigation under Section 193(9) of the BNSS is still in progress and important forensic reports and digital extraction reports are awaited, this Court is not inclined to enlarge the applicant on bail at this stage.

25. Accordingly, the bail application is hereby **rejected**.

(AJAY KUMAR NIRANKARI)
JUDGE

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