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MCRC-3879-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

MISC. CRIMINAL CASE No. 3879 of 2025

SADHAVI LAXMI DAS

Versus

THE STATE OF MADHYA PRADESH AND ANOTHER

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Appearance:

*Shri Sanjay K. Agrawal - Senior Advocate with Shri Siddharth Kumar
Sharma - Advocate for the applicant/accused.*

Shri C.M. Tiwari - Government Advocate for State.

*Shri Deepak Raghuwanshi - Advocate for the respondent
No.2/objector.*

.....
AND

MISC. CRIMINAL CASE No. 8034 of 2025

SHYAM SINGH RAGHUWANSHI

Versus

THE STATE OF MADHYA PRADESH AND ANOTHER

.....
Appearance:

Shri Deepak Raghuwanshi - Advocate for the applicant/objector.



*Shri Prakash Upadhyaya - Senior Advocate with Shri Sarthak Nema
Advocate for the respondent No.2/accused.*

Shri C.M. Tiwari - Government Advocate for State.

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Heard on : 16.04.2025
Pronounced on : 19.05.2025
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ORDER

Since, both cases i.e. MCRC No.3879/2025 and MCRC No.8034/2025 are arising out of same crime number, therefore, same are being decided by this common order.

2. MCRC No.3879/2025 has been filed under Section 528 of BNSS by applicant/accused – Sadhavi Laxmi Das for modification of the order passed by this Court on 20.12.2024 in M.Cr.C. No.34458/2024, whereby applicant was granted anticipatory bail with the condition that she will deposit Rs.90 Lakh within 30 days under protest before concerned CJM.

3. MCRC No.8034/2025 has been filed under Section 483(3) of BNSS 2023 on behalf of the applicant/objector for cancellation of bail granted to the respondent No.2/accused - Harsh Raghuvanshi by this Court vide order dated 20.12.2024 passed in M.Cr.C. No.48807/2024 in connection with Crime No.603/2024 registered at Police Station Chourai, District



Chhindwara (M.P.) for the offence punishable under Sections 420, 406, 404, 403 and 120B of IPC and Sections 66C of I.T. Act.

4. Learned Senior Advocate for the applicant/accused – Sadhavi Laxmi Das in MCRC No.3879/2025 submits that in this case applicant/accused was granted anticipatory bail on the basis of undertaking given by the applicant's counsel that applicant/accused is ready to deposit Rs.90,00,000/- but no such submission was made by her counsel and no instruction was ever given by the applicant/accused to her counsel. It is further submitted that her financial condition is not good and therefore it is impossible for her to arrange aforesaid amount. It is also prayed that Court should not impose onerous condition. Reliance has been placed in the case of Hon'ble Apex Court in *Abdul Basit @ Raju and Ors. Vs. Mohd Abdul Kadir Chaudhary and Anr. (2014) 10 SCC 754, X vs. State of Telangana and Anr (2018) 16 SCC 51, Himalayan Coop. Group Housing Society vs. Balwan Singh & Ors. (2015) 7 SCC 373 and Girish Gandhi vs. State of Uttar Pradesh & Ors. reported in (2024) 10 SCC 674.*

5. On the other hand, learned counsel for the respondent No.1/State as well as respondent No.2/objector in MCRC No.3879/2025 has opposed the prayer of the applicant/accused and submits that while deciding her anticipatory bail application, the then learned Senior Advocate appearing on behalf of the applicant/accused has given undertaking before this Court that applicant/accused is ready to deposit Rs.90 Lakh and therefore Court has granted anticipatory bail by imposing the condition that she will deposit



Rs.90 Lakh within 30 days. It is further submitted that as the applicant/accused had given assurance that she will deposit Rs.90 Lakh therefore, at the time of arguments on her anticipatory bail application, the matter was neither argued nor decided on merits.

5.1 It is further submitted that Succession Case No.01/2023 is pending in the Court of Civil Judge Senior Division, District Chhindwara (M.P.) in which present applicant/accused was also a party. It is further submitted that after the death of Late Kanak Bihari Das, applicant – Sadhavi Laxmi fraudulently had updated her Aadhar Card by mentioning the name of Late Kanak Bihari Das in care of and by using it, she obtained Sim No.9993886481 on her name which was earlier issued in the name of Late Shri Kanak Bihari Das and linked with the bank account of Late Kanak Bihari Das and thereafter she had transferred entire amount from the account of Late Kanak Bihari Das to her personal account and to other various accounts through Net-banking. Even Applicant – Sadhavi Laxmi was not the nominee in the bank account of Late Kanak Bihar Das. Learned senior counsel appearing on behalf of applicant had submitted that applicant is ready to deposit Rs.90 Lakh, therefore the Court with the consent of learned counsel for applicant/accused imposed all the conditions in anticipatory bail that "*Applicant shall deposit an amount of Rs.90,00,000/- (Rupees Ninety Lacs Only) within 30 days from today before concerned C.J.M. Amount deposited will be kept in form of FDR in the nationalised bank and withdrawal of such amount shall be subject to final judgment of the succession case no.01/2023 pending in the Court of Civil Judge Senior*



Division, Chhindwara.”.

5.2 It is further submitted that applicant/accused had fraudulently withdrawn amount of Rs.90 Lakh from the bank account of Late Kanak Bihari and transferred Rs.14 Lakh to her brother's account namely Harsh Raghuwanshi, who is also accused in this case. Co-accused Harsh Raghuwanshi has been enlarged on regular bail by this Court vide order dated 20.12.2024 passed in MCRC No.48807/2024 and same Senior Advocate appeared on behalf of Sadhavi Laxmi Das as well as Harsh Raghuwanshi and it was argued that as applicant/accused – Sadhavi Laxmi Das had been granted anticipatory bail with condition that she will deposit Rs.90 Lakh and therefore, this Court has considered and granted regular bail to the co-accused Harsh Raghuwanshi. Therefore, it is prayed for dismissal of present petition as the applicant/accused has not come before the Court with clean hands and she had played fraud by giving false assurance to the Court.

6. Learned counsel for the applicant/objector in MCRC No.8034/2025 submits that respondent No.2/accused - Harsh Raghuwanshi and his sister (Sadhavi Laxmi Das), who is the co-accused person in the alleged crime have fraudulently transferred Rs.90 Lakh from the bank account of Late Kanak Bihari Das. It is further submitted that in this case accused Sadhavi Laxmi Das and Harsh Raghuwanshi both were accused in this case. On behalf of co-accused Sadhavi Laxmi Das anticipatory bail application MCRC. No.34458/2024 was filed and at that time of arguments, the undertaking was



given by her counsel that she will deposit Rs.90 Lakh under protest, therefore, this Court has allowed the anticipatory bail application of co-accused Sadhavi Laxmi Das by imposing conditions mentioned in the said order.

6.1 It is further submitted that at the time of arguments of in the case of accused Harsh Raghuvanshi in MCRC. No.48807/2024, it was argued by same senior counsel that as co-accused Sadhavi Laxmi Das is ready to deposit Rs.90 Lakh by giving undertaking in MCRC. No.34458/2024, therefore accused Harsh Raghuvanshi may be enlarged on bail. It is further submitted that after considering the said argument this Court has considered and granted regular bail to the accused Harsh Raghuvanshi. The enlargement of respondent No.2/accused on such consideration was defied when the co-accused Sadhavi Laxmi Das filed an SLP before the Hon'ble Supreme Court seeking modification of bail condition passed in MCRC No.34458/2024. It is further submitted that applicant/accused has not come before the Court with clean hands and had played fraud by giving false assurance to the Court. In view of the above, it is prayed to allow this present application and cancel the bail granted to the respondent No.2. In support of his submission, learned counsel has placed reliance on the decision of Apex Court in *Shri K. Jayaram & Ors. vs. Bangalore Development Authority & Ors.* passed in Civil Appeal No.7550-7553 of 2021 and *Kusha Duruka vs. State of Odisha* passed in Criminal Appeal No.303/2024.

7. Learned Senior Advocate for the respondent No.2/accused - Harsh



Raghuvanshi in MCRC No.8034/2025 submits that respondent No.2/accused was enlarged on bail on the basis of facts and circumstances of the case and not on the basis of submission made by the co-accused in her bail application. It is submitted that the bail once granted can only be cancelled on the ground of breach of conditions of bail and there is no allegation that any condition imposed in the bail order has been breached by the respondent No.2/accused. Learned senior counsel has placed reliance on decision of Apex Court in *Dolat Ram & Ors. vs. State of Haryana (1995) 1 SCC 349*, *Abdul Basit @ Raju and Ors. Vs. Mohd Abdul Kadir Chaudhary and Anr. (2014) 10 SCC 754*, *X vs. State of Telangana and Anr (2018) 16 SCC 51*.

7.1 It is further submitted that criminal Court has no power to review its own order and in this case there is no ground to review its own order. Therefore, it is prayed for dismissal of this present application. In support thereof reliance has been placed on the decision of *Bombay High Court in Suresh T. Kilachand vs. Sampat Shripat Lambate & Anr. reported in [1991 (10)] BOM CK 0038 dated 24.10.1991*, and decision of Coordinate Bench of this Court in *Kamal Solanki vs. Smt. Jyoti Bharti passed in MCRC No.8257/2017 on 01.08.2017* and *Parvat Singh Solanki vs. State of M.P. passed in MCRC No.2224/2017 on 15.05.2017*.

8. I have heard the counsel for the parties and perused the case diary as well as records.

9. It is pertinent to mention here that the counsel appearing on behalf of both the accused in the MCRC No.34458/2024 and MCRC



No.48807/2024 are not appearing in the present case and other counsel have been engaged by both the accused.

10. Earlier M.Cr.C. No.34458/2024 was filed by accused- Sadhavi Laxmi Das for grant of anticipatory bail and; MCRC No.48807/2024 was filed by co-accused- Harsh Raghuwanshi for grant of regular bail. Both the matters were argued by the same Senior Advocate and were allowed on the same date i.e. on 20.12.2024.

10.1 Being aggrieved with the order passed in MCRC. No.34458/2024 by this Court, SLP.(CrI.) No.297/2025 was filed before Hon'ble Apex Court by Sadhavi Laxmi Das and the Hon'ble Apex Court by order dated 15.01.2025 disposed of said SLP by directing this Court to consider the application to be filed by the applicant on its own merits and in accordance with law.

11. During arguments in MCRC. No.34458/2024, this Court was not inclined to grant anticipatory bail to applicant- Sadhavi Laxmi Das on the following reasons:-

(i) This case is not related to money or business transaction.

(ii) Late Kanak Bihari Das had one bank account in State Bank of India Branch Chourai, District Chhindwara (M.P.) A/c. No.11273297124 in which



approximate Rs.90 Lakh were available. Late Kanak Bihari Das had expired on 17.04.2023 in a road accident.

(iii) In the aforesaid bank account, Airtel Sim No.9993886481 was linked which was issued in the name of Late Kanak Bihari Das.

(iv) The accused Sadhavi Laxmi Das was not the nominee in the aforesaid bank account. Therefore, for withdrawal of said amount she had updated her Aadhar Card by registering the name of deceased Kanak Bihari Maharaj in care of and by using it, she obtained Sim No.9993886481 which was earlier issued on the name of Late Kanak Bihari Das and was linked with the bank account and thereafter she had transferred entire amount by using the said mobile number and link from the account of Late Kanak Bihari Das to her personal account and to other various accounts through Net-banking including her brother Harsh Raghuvanshi. That amount was used by her for her personal purposes and the same was not used for temple work.

(iv) The said account was in function after the death of Late Kanak Bihari Das. The accused Sadhavi Laxmi Das wanted to close the said account. She had



transferred the said bank account to three different branches.

(v) The custodial interrogation was also required from the applicant on these points.

(vi) Learned counsel for the respondent and State had also opposed the bail application on merits.

12. Thereafter, the then learned Senior Advocate for the applicant/accused Sadhavi Laxmi Das has offered regarding deposit of Rs.90 Lakh for which learned counsel for the objector submitted that if the accused Sadhavi Laxmi Das deposits Rs.90 Lakh, then he has no objection in granting anticipatory bail to her. When the Court asked learned counsel for the accused about the time period in which she will deposit the amount, he submitted that he will seek instructions from the applicant/accused; therefore the matter was kept after Lunch. After lunch, when the matter was again taken up, the then learned Senior Advocate submitted that applicant/accused is ready to deposit Rs.90 Lakh within a month. In view of the said submission learned counsel for the respondent No.2/objector submits that he has no objection for granting anticipatory bail if applicant/accused is ready to deposit Rs.90 Lakh. Thereafter, with the consent of learned for both the parties, condition No.7(i) and 7(iii) were imposed in the order of anticipatory bail which reads as under:-

7(i) Applicant shall deposit an amount of Rs.90,00,000/-



(Rupees Ninety Lacs Only) within 30 days from today before concerned C.J.M. Amount deposited will be kept in form of FDR in the nationalised bank and withdrawal of such amount shall be subject to final judgment of the succession case no.01/2023 pending in the Court of Civil Judge Senior Division, Chhindwara.

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7(iii) If said amount is not deposited then no application will be entertained for modification of conditions of bail order.

13. It is pertinent to mention here that on the same day i.e. 20.12.2024 regular bail application under Section 483 of BNSS filed by co-accused Harsh Raghuvanshi, who is the brother of the accused- Sadhavi Laxmi Das, was also heard as the case was related to the same crime number. Allegation against him is that accused Sadhavi Laxmi had transferred Rs.14 Lakh in his account (wrongly typed as Rs.04 lakhs in earlier bail order i.e. MCRC No.48807/2024). In the regular bail application, it was argued that accused- Sadhavi Laxmi Das is ready to deposit Rs.90 Lakh within a month. Thereafter, learned counsel for the objector had expressed his no objection for grant of regular bail. Therefore, regular bail was granted to the applicant - Harsh Raghuvanshi on 20.12.2024. Para No.3 of MCRC No.48807/2024 is reproduced hereunder :-

3. Learned counsel for the applicant submitted that applicant is innocent and has been falsely implicated. He is in jail since 24.10.2024. It is further submitted that there was a dispute of amount and in this regard succession case no.1/23 is filed in the Court of Civil Judge, Senior Division, Chhindwara. It is further submitted that there a dispute of Rs.90 Lakh which was desposited in the bank account of late Shri Kanak Bihare Das. That amount has been withdrawn by the Sadhvi Laxmi and on behalf of Sadhvi



Laxmi, one M.Cr.C.No.34458/2024 is also filed which is pending in this Court. In that case, on behalf of Sadhvi Laxmi, it has been stated that she is ready to deposit Rs.90 Lakh under protest. There is no criminal record of the applicant. The trial of the case will take considerable time. Therefore, it has been prayed that the applicant may be released on bail.

14. From the aforesaid, it reveals that firstly the applicant- Sadhavi Laxmi Das had obtained anticipatory bail by submitting that she is ready to deposit Rs.90 Lakh within a month and secondly, on the aforesaid ground his brother accused - Harsh Raghuvanshi had also obtained regular bail. When accused- Harsh Raghuvanshi was released on regular bail on 21.12.2024, thereafter accused – Sadhavi Laxmi Das has approached the Hon'ble Apex Court by filing Special Leave to Appeal (Crl.) No.297/2025 by submitting that no such submission was made by her counsel and no instructions regarding deposit of Rs.90 Lakh was given by her.

14.1. It is pertinent to mention here that after Lunch, learned counsel appearing on behalf of applicant after seeking instructions from the applicant has submitted that applicant is ready to deposit Rs.90 Lakh within a month. It is pertinent to mention here that neither accused Sadhavi Laxmi Das has filed any specific affidavit in the present case that she has not instructed her earlier counsel to make submission before this Court regarding depositing of aforesaid amount nor the then Senior Advocate has given any affidavit that he has not made such submissions before this Court.

15. From perusal of record, it is found that applicant – Sadhavi Laxmi Das has firstly obtained order of anticipatory bail by giving false assurance



and on the same assurance her brother Harsh Raghuvanshi was also obtained regular bail on 20.12.2024, thereafter her brother Harsh Raghuvanshi was released on bail on 21.12.2024. Thereafter, she approached the Hon'ble Supreme Court.

16. It is clear from the aforesaid facts and circumstances that the accused persons Sadhavi Laxmi Das and Harsh Raghuvanshi have not come before this Court with clean hands and obtained the order of bail by playing fraud with this Court. Therefore, looking to the overall facts and circumstances of the case i.e. MCRC No.3879/2025, this Court is not inclined to modify the conditions imposed by this Court in anticipatory bail order dated 20.12.2024 passed in M.Cr.C. No.34458/2024. As the both the accused have obtained bail order by playing fraud with this Court, this Court is also deem it proper to cancel the regular bail granted to accused Harsh Raghuvanshi.

17. Accordingly, MCRC No.3879/2025 filed under Section 528 of BNSS by applicant/accused – Sadhavi Laxmi Das for modification of the order passed by this Court on 20.12.2024 in M.Cr.C. No.34458/2024 is hereby *dismissed*.

18. Accordingly, MCRC No.8034/2025 filed under Section 483(3) of BNSS, 2023 on behalf of the applicant/objector for cancellation of bail granted to the respondent No.2/accused - Harsh Raghuvanshi by this Court vide order dated 20.12.2024 passed in M.Cr.C. No.48807/2024 is hereby *allowed*.



19. Bail granted to the accused – Harsh Raghuvanshi is cancelled. Bail surety/bonds furnished by him are cancelled. Accused – Harsh Raghuvanshi is directed to surrender before the trial Court within seven working days from today. If he surrenders, he be taken into custody forthwith and if he fails to surrender, the trial Court shall issue arrest warrant for his arrest and shall commit him to jail.

20. Accordingly, both the MCRC(s) stands disposed of.

21. A copy of this order be sent to the concerning trial Court for information and necessary compliance.

Certified copy as per rules.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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