



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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 4<sup>th</sup> OF OCTOBER, 2024**

**MISC. CRIMINAL CASE No. 39537 of 2024**

***ANSAR AHMED***

*Versus*

***THE STATE OF MADHYA PRADESH***

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**Appearance:**

*Ms. Geetanjali Chaurasia - Advocate for the applicant.*

*Shri Vishal Singh Panwar- G.A./P.L. for the State.*

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**ORDER**

1] Shri Abhinay Vishwakarma, DCP Zone- 2 along with Shri Chandrakant Patel- SHO, P.S. Vijay Nagar are present in person and on a query made by this Court on the last date of hearing as to how the bottles have been damaged by the rats. It is informed that the bottles in which the viscera were kept, were plastic cans which were damaged by the rats in the rainy season, which has led to the destruction of the evidence collected during the course of investigation and thus, histopathological report could not be obtained. It is also submitted that 28 other samples were also destroyed by the rats.

2] It is also informed that a departmental enquiry has been initiated against the then SHO Ravindra Singh Gurjar and



*Malkhana* In-charge Suresh Chandra Mehta for such lapses. It is also submitted that the Department has already taken note of the aforesaid destruction of evidence and now the material seized and the *Malkhana* have been shifted to other room and extra precaution has been taken to sanitize and seal the room.

3] Although, the aforesaid explanation, by no stretch of imagination, can be said to be satisfactory as apparently, the valuable evidence has already been destroyed due to the negligence on the part of the concerned officers of the Police, who were responsible to keep the articles/material collected during the investigation, in proper and safe custody, hence, no further order is required to be passed so far as the present case is concerned.

4] This court is also of the considered opinion that the police officers concerned should have taken into account all the relevant factors to protect and safeguard the material seized during an investigation, and although nothing can be done about this spilt milk, but at least this incident has also brought in to the light the pathetic condition, in which the articles/material collected during investigation is kept in the police stations of the State. It is anybody's guess as to what the situation in the police stations at small places would be, when in the present case, the police station was one of the most busy police stations of Indore city.



**DIRECTIONS TO THE D.G.P. REGARDING  
MALKHANA / STORE ROOM.**

5] In such circumstances, it is directed to the **Director General of Police** to take stock of all the *Malkhanas* of all the police stations, so as to ensure that such incidents are avoided in future in other police stations. For this purpose, a web link can also be provided to all the police stations, updating the latest inventory and the status of *Malkhana* every month, viz., if any action is required to be taken to ensure its proper maintenance, which would at least keep all the police personnel responsible for the same, on their guards.

**MERTIS OF THE CASE.**

6] So far as the merits of the present case are concerned, it is found that this is the applicant's **fourth** bail application filed under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.12/2023 registered at Police Station – Vijay Nagar District - Indore (MP) for offence punishable under Sections 304 and 323 of the Indian Penal Code, 1860. The applicant is in custody since 06.01.2023.

7] His earlier bail applications have already been dismissed on merits, and it is also found that against the order passed by this Court in M.Cr.C. No.38283/2023 dated 04.09.2023, where the application was dismissed on merits, an S.L.P. (Crl.) No.3283/2024 was also preferred by the applicant, which was dismissed by the Supreme Court vide order dated



21.03.2024, however, no liberty was obtained from the Supreme Court to renew the prayer before this Court and in such circumstances, maintaining the judicial discipline, this Court is of the considered opinion that the present application cannot be entertained, and otherwise also, there is no change in the circumstances.

**8]** Accordingly, the application stands *dismissed*.

**9]** However, the learned Judge of the trial Court is requested to expedite the case, looking to the fact that the applicant is lodged in jail since 06.01.2023.

**10]** Presence of Shri Abhinay Vishwakarma, DCP Zone- 2 and Shri Chandrakant Patel- SHO, P.S. Vijay Nagar is not required henceforth.

**11]** **Let a copy of this order be sent to the D.G.P. for necessary action and compliance.**

**(SUBODH ABHYANKAR)**  
**JUDGE**

**Bahar**