IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 28th OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 44293 of 2025

Appearance:

Shri Alok Vagrecha - Advocate for the applicant.

Shri C.K. Mishra - Government Advocate for the respondent/State.

Shri Pushpendra Kumar Dubey - Advocate for the respondent/complainant.

ORDER

This is the third application filed by the applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail relating to FIR/Crime No.40/2025 registered at Police Station Kotwali, District Sidhi, for the offence punishable under Sections 64(1), 308(5), 296 and 351(3) of the Bharatiya Nyaya Sanhita, 2023. The applicant is in jail since 13.01.2025.

2. The applicant's earlier two bail applications were dismissed as withdrawn vide orders dated 24.04.2025 and 19.09.2025 passed in M.Cr.C. Nos.11318 of 2025 and 34468 of 2025 respectively.

3. Learned counsel for the applicant has produced some material before this Court in a sealed cover envelope, copies whereof have already been supplied to learned Government Advocate as well as learned counsel for the respondent/complainant.

4. Learned counsel for the applicant has submitted that victim of the case is a well educated lady and is an elected Chairman of municipality. Showing the

photographs of the victim and applicant, learned counsel for the applicant has submitted that they were in love affair and when this fact came in the knowledge of the victim's husband, then on the ground of adultery, he has filed a petition under Section 13 of the Hindu Marriage Act for dissolution of their marriage solemnized between them on 28.06.2011 before the Family Court, Sidhi on 04.11.2024 wherein the present applicant was respondent No.2. In the said petition, the victim's husband has made allegations against his wife/victim stating that she is having love affair with the present applicant. He has further stated that the victim went to Prayagraj along with the applicant and stayed there with him.

5. Learned counsel for the applicant has further submitted that from the contents of petition filed by the victim's husband and telephonic conversations made between the applicant and victim, it is clear that the victim's husband was making pressure upon her to lodge an FIR against the applicant. It is contended that after lodging of FIR against the applicant, the victim's husband did not appear before the Family Court, hence, the petition filed by him for dissolution of marriage got dismissed for want of prosecution on 25.08.2025.

6. It is submitted that a written complaint was given to the police on 15.11.2024 for lodging a criminal case against the applicant. It is also submitted that on earlier occasion, the applicant was implicated in the case of rape, but the trial Court had acquitted him holding that the matter was of a love affair. It is contended that the case of prosecution regarding extortion of money is based upon the statement of one Ramdulare Chaturvedi, but from his statement, it is clear that no money has been deposited in the applicant's bank account. On the contrary, from the statement of Ramdulare Chaturvedi, it is clear that the money was borrowed from the applicant's uncle namely Dan Bahadur Singh.

7. Learned counsel for the applicant has also contended that from the mobile conversations and contents of report, it is clear that there was a love affair between the parties and relations were established with the consent. It is submitted that the theory of blackmailing is false and frivolous. The applicant is in jail since 13.01.2025, hence, he be enlarged on bail as the trial will take time to be concluded.

8. Learned counsel for the respondent/complainant has opposed the bail application and has submitted that from the statement of Ramdulare Chaturvedi, it is clear that the applicant, by blackmailing the victim, had taken money and by that, he has purchased a car. He has further submitted that from the report of FSL annexed with the charge-sheet, it is clear that some photos of victim and her obscene videos were recovered from the mobile phone of the applicant. The applicant on the basis of victim's photographs and her obscene videos, was making pressure upon the victim and was sexually assaulting her, but due to social pressure, she neither lodged any FIR nor told this fact to anyone of his family. Thus, this applicant has committed the offence as charged by the police. The applicant has criminal history as on an earlier occasion, he assaulted a public servant and for that he has been convicted. It is contended that in a criminal trial of an offence punishable under Section 376 of the IPC, though the trial Court had acquitted the applicant, but an appeal preferred against the order of trial Court is still pending before the High Court. The applicant's mother namely Sheela @ Sushila Singh was given the benefit of the law laid down by the Hon'ble Apex Court in the case reported in **(2014) 8 SCC 273 [Arnesh Kumar Vs. State of Bihar]**, by the coordinate Bench of this Court vide order dated 19.05.2025 passed in M.Cr.C. No.21377 of 2025, but after that, she is neither surrendering before the trial Court nor appearing before it and thus, the proceeding of trial Court is held

up for which the applicant himself is liable and thus, no case of bail is made out in his favour.

9. Learned Government Advocate has also opposed the bail application and has submitted that from the report of Additional Superintendent of Police, who has enquired the matter before lodging the FIR, it is clear that the applicant was involved in the case. He has further submitted that the victim's photographs and her obscene videos were recovered from the applicant's mobile phone, hence, looking to the nature of crime, he is not entitled for bail.

10. Heard the parties and perused the case diary.

11. Considering the facts and circumstances brought on record and on going through the material placed by learned counsel for the applicant, it is clear that the parties were well acquainted with each other. Thus, without commenting anything on the merits of the case, this application is **allowed** with the following conditions:-

(i) That the applicant shall not induce or threat the victim, her family members and any prosecution witness in any manner whatsoever.

(ii) That on each and every date of hearing, the applicant shall personally present before the trial Court concerned without any fail not through his counsel except in the unavoidable circumstances. In case of physical illness, that shall be supported in a certificate of Government Hospital and shall be produced before the trial Court concerned.

(iii) In future, the applicant shall not repeat the offence.

If within a year, any criminal case is registered against the applicant for any substantial offence, then this order shall automatically cease its effect and in that circumstances, the trial Court shall be at liberty to take the applicant into

custody without referring to this Court.

12. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during pendency of trial.

13. In addition to above, it is further directed that the applicant shall comply with the provisions of Section 480(3) of BNSS.

14. Accordingly, Misc. Criminal Case stands disposed of.

Certified copy as per rules.

(DEVNARAYAN MISHRA)
JUDGE

dm