



1

MCRC-46585-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17th OF NOVEMBER, 2025

MISC. CRIMINAL CASE No. 46585 of 2025

RAFIQ KHAN

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Daya Nath Pandey advocate for the applicant.

Shri Romil Verma public prosecutor for State.
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ORDER

1. This first application has been filed by applicant under Section 482 of The Bharatiya Nagarik Suraksha Sanhita 2023 for grant of anticipatory bail in connection with Crime No. 779 of 2025 registered at Police Station-Station Road Ratlam, District - Ratlam (M.P.) for offence punishable under Sections 336(3), 336(4) of The Bharatiya Nyaya Sanhita, 2023. The applicant is apprehending his arrest in the matter.

2. Learned Counsel for the applicant in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. The applicant was performing his duty as a Reporter. The applicant had made certain complaints to the higher police officials against the SHO of P.S. GRP, Ratlam alleging certain illegal activities within the jurisdiction of the Police Station GRP prior to the incident in question. On 12.6.2025, he received information about the alleged illegal action by Head Constable Mahendra Tiwari of the Police Station GRP of challan beyond jurisdiction of



his police station. So he reached on the spot and recorded the video for reporting the incident. Learned counsel contends that there was no manipulation or forgery in the video to create false evidence. The applicant did not edit the video. He simply forwarded the video for reporting to concerned *youtube* channel. No offence, as alleged, is committed by the applicant. There was no intention to cause any wrongful loss or harm of reputation to concerned police official, rather it was done as part of profession. Learned counsel further contends that the offence punishable under Section 336(3) and 336(4) of the BNS are punishable with imprisonment for less than 7 years. The concerned police station, instead of giving notice to the applicant in compliance with the directions of the Supreme Court in cases of *Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Satender Kumar Antil Vs. Central Bureau of investigation (2022) 10 SCC 51*, is trying to arrest and humiliate the applicant. No criminal antecedent is reported against the applicant. Learned counsel further submits that applicant enjoys good character and social standing. Jail incarceration on false accusation would cause hardship to the applicant and family. He is ready to cooperate in the investigation. Therefore, applicant may be extended the benefit of anticipatory bail.

3. *Per contra*, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence. Learned counsel further refers to one criminal antecedent against the applicant, as mentioned in the case diary.

4. In reply, learned counsel for the applicant submits that in other



matter relating to crime No. 130/2016, the applicant has been acquitted *vide* order dated 20.08.2025 passed in RCT No. 3412/2016.

5. According to the material on the case diary, Head Constable Mahendra Tiwari of the police station GRP Ratlam submitted a written complaint to SHO of P.S. Station Road Ratlam that he was working on duty at circulating area of the Railway Station Ratlam on 12.6.2025. He found Auto bearing registration No. MP-43-ZA-1329 standing in circulating area obstructing the traffic. The Auto driver fled away. He followed and stop the Auto at Shivaji Hotel. Imran s/o Shabbir was intercepted. He issued chalan under Section 177 of Motor Vehicles Act for stopping the Auto in "No Parking Zone" and imposed compounding fees of Rs. 500/-. Meanwhile, Rafiq Khan Reporter came there and recorded a video. Later, on 28.6.2025, his friend informed him that *youtube* channel Tej India is broadcasting a video showing that he is receiving bribe. The video made viral on *youtube* channel Tej India was edited and manipulated which has harmed his reputation and disrepute him socially. On such allegations, the P.S. Station Road Ratlam registered FIR for offence punishable under Sections 336(3) and 336(4) of the BNS, 2023. The investigation is underway. The applicant is apprehending arrest in the matter. The fact remains that both the offences are punishable with imprisonment for less than 7 years. The investigation officer is expected to follow the guidelines laid down in cases of *Arnesh Kumar* and *Satender Kumar Antil (supra)*. The contentions raised by the applicants have *prima facie* substance, looking to the previous complaint lodged by the applicant with higher police officials. The veracity of the prosecution and complicity of the applicant in the alleged offence will be considered on merit after



evidence.

6. As informed, applicant is aged around 42 years and is a news reporter by profession and has family responsibility. Considering the age, profession and status of the applicant, there appears to be no likelihood of fleeing from justice or involving in any criminal activity. In absence of criminal antecedent, there appears to be no likelihood of tampering with the evidence, influencing the witness or interfering in the investigation by the applicant. The incarceration of applicant does not appear to be necessary for the purpose of investigation. The grant of anticipatory bail to the applicant will not cause prejudice to free, fair and full investigation. Considering his clean past, age, status and profession, the applicant may suffer hardship and prejudice due to incarceration entailing social disrepute and humiliation. Considering the overall circumstances of the case, but without commenting on merits of the accusation, this Court is inclined to grant anticipatory bail to the applicant. Thus, the applicant.

7. Accordingly, it is directed that in the event of arrest, **applicant - Rafiq Khan** shall be released on bail in connection with Crime as mentioned in the first paragraph of this order, upon furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand Only)** with separate solvent surety of the like amount to the satisfaction of the officer making arrest/the Competent Court/In-charge Court for compliance with the following conditions: (For the convenience of understanding by accused and surety, the conditions of bail are reproduced in Hindi as under):-

1) Applicant shall be available for investigation on direction of the Investigation Officer.

(1) अन्वेषणकर्ता पुलिस अधिकारी के निर्देशानुसार अन्वेषण हेतु आवेदक उपलब्ध रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।



5

MCRC-46585-2025

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C/346 of the BNSS. regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 द.प्र.सं./346 भारतीय नागरिक सुरक्षा संहिता के प्रावधानों का उचित

अनुपालन सुनिश्चित करेंगे।

(6) The applicant shall not indulge in any activity which has potential to disrepute the police officials of the police station GRP Ratlam, specially, the complainant.

8. This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the trial Court may consider on merit, cancellation of bail without any impediment from this order.

9. The Investigation Officer /trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

BDJ