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MCRC-25535-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE AMIT SETH

ON THE 20<sup>th</sup> OF JUNE, 2025

MISC. CRIMINAL CASE No. 25535 of 2025

*MAHENDRA SINGH @ BADERAJA PARMAR*

*Versus*

*THE STATE OF MADHYA PRADESH*

.....  
Appearance:

*Shri R.K. Dubey - Advocate for the applicant.*

*Shri Saket Udeniya - Public Prosecutor for the respondent - State.*  
.....

ORDER

The applicant has filed the first application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023/438 of Cr.P.C. seeking grant of anticipatory bail application in connection with Crime No. 76/2025 registered at Police Station Amola, District Shivpuri (M.P.) for the alleged commission of offence under Sections 303(2) of BNS and section 4 (a), 21(1) of the Mines and Minerals (Development and Regulation) Act.

2. Case of the prosecution in short, is that, while patrolling on 29/03/2025, the police authorities intercepted Mahindra Tractor bearing registration No. M.P. 33 Z. D. 2153 loaded with bolders coming from Sirsod and when driver of the tractor was called upon to show royalty slip, on which, the driver left the tractor trolley and fled away from the spot. The tractor trolley was seized and offences in question were



registered.

3. Counsel for the applicant submits that there is no material available with the police to connect the applicant with the crime in question and it is only on the basis of memorandum of co-accused, he has been implicated in the case in question. Further argument is that applicant is permanent resident of District - Shivpuri and is the reputed citizen of the society. There is no possibility of his absconsion or tampering with the prosecution evidence. Hence, prayed for grant of anticipatory bail to the applicant.

4. On the other hand, counsel appearing for the State opposed the bail application on the ground that applicant is having criminal record of as many as four criminal cases.

5. Faced with the situation and looking to the prescribed sentence of the offence in question, learned counsel for the applicant seeks permission to withdraw the instant application filed for grant of anticipatory bail with a further observation that since the sentence for the offence in question is upto 7 years, the Investigating Authority may be directed to comply with the provisions of Section 41-A of Cr.P.C. as laid down in the case of **Arnesh Kumar Vs. State of Bihar and Another**, reported in (2014) 8 SCC 273 by the Hon'ble Supreme Court and as and when, he is summoned by the Investigating Agency, he will appear before the Investigating Officer and cooperate with the investigation.

6. In view of the above, the instant anticipatory bail application



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filed by the applicant seeking grant of anticipatory bail application stands **rejected**. However, it is directed that the Investigating Authority will follow the dictum of the law laid down by the Hon'ble Supreme Court in the case of **Arnesh Kumar (supra)**.

(AMIT SETH)  
JUDGE

Durgekar