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CRA-3924-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 2nd OF MAY, 2025CRIMINAL APPEAL No. 3924 of 2025*KAMAL**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Manish Yadav, Advocate for the appellant.

Shri Amit Raval, Govt. Advocate for the respondent/State.

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ORDER

This *third* criminal appeal has been filed by the appellant under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act being aggrieved by impugned order dated 08/04/2025 passed on BA No.1200/2025 by the Special Judge, (under SC & ST Act) Indore(Urban), District Indore(M.P.), whereby anticipatory bail application filed under section 438 of the Cr.P.C/Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been rejected.

Being aggrieved by the impugned order, the appellant has filed present criminal appeal for grant of bail to the appellant in connection with Crime No.292/2024 registered at P.S. - Simrol, District Indore(M.P.) for the offence punishable under Sections 376(2)(n), 386, 450, 365, 506, 323, 190 of IPC and Sections 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The first criminal appeal under Section 14(A)(2) of SC/ST(Prevention of Atrocities) Act was dismissed *vide* order dated 12.09.2024, passed in Cri.A. No.10340 of 2024. The second criminal appeal under Section 14(A)(2) was also dismissed *vide* order 21.10.2024, passed in M.Cr.C. No.10804 of 2024. The Coordinate Bench had observed that there is no change in circumstances, hence, it is not a fit case to grant bail despite compromise between the parties and no objection pleaded by the complainant.

As per the case of prosecution, the prosecutrix/Assistant Sub-Inspector posted at P.S. Simrol, District Indore(M.P.) submitted a typed complaint dated 30.06.2024 to S.H.O. P.S. Sanwer, District Indore alleging sexual exploitation, abuse with reference to her caste, assault and causing injury, threatening and mental harassment by Constable Kamalsingh Rawat. It is stated in the complaint that she was working with Kamalsingh Rawat at P.S. Simrol. They used to communicate with each other. She was engaged to Sub-Inspector Balvirsingh Kharte posted at Jabalpur. In August, 2020, Kamalsingh Rawat came to her house asking for drinking water. Kamalsingh had forceful sexual relations with her and recorded it in his phone. Kamalsingh under threat of making the video viral, broke her engagement in March, 2021. Kamalsingh had grudge against her with regard to prosecutions against him. Kamalsingh compelled her to take personal loan of Rs.10 Lakhs and got entire money transferred in his account. Kamalsingh used to manhandle her brutally and demanded money. Kamalsingh abused her with reference to her caste. He has also taken her Car I-20 Asta bearing registration no.MP-09-WF-3607, of which, she is paying the loan



installments. Kamalsingh sexually exploited her and said that she will remain his keep, he will not permit her to marry elsewhere. On 02.06.2024, Kamalsingh tried to forcefully abduct her near Ringnodia Hill. When her associate Ankita singh informed P.S. Sanwer, Kamalsingh released her after threatening to kill her, if she reports. On 13.06.2024, around 11.30 in the night, Kamalsingh threatened to kill her, therefore, she went to her parental home without applying for leave. On 29.06.2024, Kamalsingh came to her house and compelled her to sit in car. Kamalsingh brutally beaten her in the Car. She sustained multiple injuries. On such allegation, P.S. Simrol, District Indore(M.P.) registered FIR at Crime No.292/2024 for the offence punishable under Sections 376(2)(n), 386, 450, 365, 506, 323, 190 of IPC and Sections 3(1)(w)(ii), 3(2)(v) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant Kamalsingh. The prosecutrix was forwarded for medico-legal examination. Various injuries were found on her face and neck. Relevant seizures were made. The statements of prosecutrix/complainant were recorded under Sections 180 and 183 of BNSS, 2023. The statements of other witnesses were also recorded. The investigation is underway. Applicant is apprehending the arrest in the matter.

Learned counsel for the appellant, in addition to the grounds mentioned in the application, submits that the appellant has been falsely implicated in this matter. It is a case of consensual relationships. No offence, as alleged, is committed by the appellant. The appellant is working as Constable whereas, the complainant is working as A.S.I. in the police. Both



the parties have amicably settled the differences. The complainant and the appellant have filed joint application for compromise in another petition filed for quashment of FIR under Section 482 of Cr.P.C. The complainant has no objection to grant bail to the appellant/accused. The appellant is ready to cooperate with the investigation. Jail incarceration would cause serious prejudice on the job of appellant. The Special Judge has committed error in rejecting the application for grant of anticipatory bail.

Per contra, learned counsel for the State opposes the application on the ground of gravity of alleged offence and the interdict contained under Section 18(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard the arguments, perused the grounds for grant of anticipatory bail stated in the appeal, case diary and the relevant material on record.

The complainant, who is working as A.S.I. in police, submitted a written complaint and substantiated the allegations contained in the written complaint by her statement recorded under Sections 180 and 183 of BNSS, 2023. Later, she proposed to amicably settle the matter saying that on instigation of some associates, she had filed the complaint. Now, both the police officials request to grant bail on the basis of amicable settlement. No person, much less responsible police officials, be permitted to manipulate the criminal justice system at their wish.

The allegations contained in the written complaint, substantiated by the statements of the complainant, reveal the exploitation and ordeal



undergone by the complainant. Therefore, likelihood of influencing the witnesses and tampering with the investigation, cannot be ruled out. The appellant, despite being a police constable, has not cooperated and made himself available for investigation till date, after registration of FIR on 02.07.2024.

The material on case diary *prima facie* makes out the offence punishable under Sections 3(1)(w)(ii) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 alongwith other alleged offence. Therefore, in view of interdict contained under Section 18(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the appellant is not entitled for grant of anticipatory bail. The impugned order 08.04.2025 does not suffer from any illegality or impropriety.

Consequently, in view of above discussion, this third appeal for grant of anticipatory bail is dismissed.

(SANJEEV S KALGAONKAR)
JUDGE