



IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 4<sup>th</sup> OF AUGUST, 2025

MISC. CRIMINAL CASE No. 26076 of 2025

*RAHUL AND OTHERS*

*Versus*

*THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Vishal Patidar- Advocate for the applicants.

Shri Apoorv Joshi public prosecutor for State.

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ORDER

This *first* application has been filed by applicants under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 for grant of regular bail in connection with Crime No. 57/2025 registered at Police Station- Deendayal Nagar District Ratlam, (M.P.) for offence punishable under Sections 103(1), 61(2), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023. Applicants are in judicial custody since 29.1.2025.

Heard the arguments.

Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

Learned counsel for the applicants in addition to the grounds mentioned in the application submits that the applicants are falsely implicated in the alleged offence. There is no eye witness to the incident. The prosecution is based on circumstantial evidence. No evidence in respect of communication between the applicants and co-accused Bablu @ Sanjay was established



during investigation. Learned counsel further submits that applicant Rahul is aged around 21 years and applicant Ishwar is aged around 30 years. They are labourer by profession. Applicants enjoy good character. There is no likelihood of their absconsion leaving the family and home. There is no likelihood of tampering with evidence by the applicants for the reason that the prosecution against the applicants relates to seizure and statement of co-accused in police custody. On completion of investigation, final report has been submitted. No criminal antecedents is reported against any of the applicant. Applicants are in custody since 29.1.2025. Similarly placed co-accused Balram has been extended benefit of bail *vide* order dated 26.5.2025 passed in MCRC No. 21196/2025. Other accused Dinesh and Rahul Bhabhar have also been extended benefit of bail by the trial Court. The case of the prosecution against the applicants is identical. Jail incarceration is causing hardship to the applicants. Applicants are ready to cooperate in the trial.

*Per contra*, learned counsel for the State opposes the application on the ground of gravity of alleged offence. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicants.

According to the material available on case diary, dead-body of Bharat was found on 22.1.2025. The applicants were apprehended on 29.1.2025 on the basis of information given by the co-accused in police custody. One plastic pipe was recovered at the instance of applicant Ishwar. The prosecution is based on circumstantial evidence. The relevance of seizure evidence and the veracity of prosecution will be determined after evidence in trial. The trial would take time to complete. As informed, applicant Rahul is aged around 21



years and applicant Ishwar is aged around 30 years. They are labourer by profession and have family responsibility. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of any criminal antecedent, considering the socio economic status of the applicants, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicants. There appears to be no compelling reason to continue incarceration of the applicants. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforestated facts, but without commenting on the merits, this Court is inclined to release the applicants on bail. Thus, the application (M.Cr.C. No. 26076/2025) is allowed.

Accordingly, it is directed that **applicants- Rahul and Ishwar** shall be released on bail in connection with Crime No. 57/2025 registered at Police Station - Deendayal Nagar Distt. Ratlam (M.P.) for offence punishable under Section 103(1), 61(2), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023, upon furnishing a personal bond in the sum of **Rs. 75,000/- (Rupees Seventy Five Thousand only)** each with one surety each of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions : (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicants shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदकगण संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेंगे।।

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



(2) आवेदकगण समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होंगे।

(3) Applicants 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 from disclosing such facts to the Court or to the police officer;

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

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

(4) आवेदकगण 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 करेंगे।

(5) During trial, the applicants shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदकगण धारा ३०९ दं. प्र.सं./ ३४६ भारतीय नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेंगे।

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

The 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

