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MCRC-32524-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 29th OF JULY, 2025

MISC. CRIMINAL CASE No. 32524 of 2025

LAXMIKANT

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Syed Asif Ali Warsi - Advocate for the applicant.

Shri Apoorv Joshi -Govt. Adv. appearing on behalf of Advocate

General[r-1].
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ORDER

1] They are heard. Perused the case-diary.

2] This is the applicant's first application filed under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 (under Section 438 of Criminal Procedure Code, 1973) for grant of anticipatory bail, as he/she is apprehending his/her arrest in connection with Crime No.190/2025 registered at Police Station Neemuch Cantt., District Neemuch (MP) for offence punishable under Sections 78(1)(ii), 78(2) & 351(2) of Bhartiya Nyaya Sanhita, 2023. The allegation against the applicant is of stalking as defined under Section 78(1)(ii), 78(2) of BNS, 2023.

3] It is alleged that the applicant was earlier engaged to the complainant/victim around six years ago however, their engagement was subsequently broken and the applicant started harassing the victim by posting undesirable posts on *Instagram*. It is also alleged that the victim tried to get



married to some other person but due to the threatening messages sent to the said person, the victim's engagement was also cancelled.

4] Counsel for the applicant has submitted that the offences alleged against the applicant are bailable and the learned Judge of the trial court ought not to have rejected the bail application. Counsel has also submitted that the aforesaid ground was not taken before the trial court, and thus, the application has been rejected on merits.

5] Counsel for the respondent/State, on the other hands, has opposed the prayer and it is submitted that looking to the threats extended to the victim by the applicant, no case for grant of bail is made out.

6] Heard the learned counsel for the parties and perused the case diary.

7] Having considered the rival submissions, and perusal of the case diary, it is apparent that the FIR has been filed against the applicant under Sections 78(1)(ii), 78(2) & 351(2) of the BNSS, however all the said offences are bailable. Although, instead of Section 351(2), it should have been Section 351(3), as the tenor of the applicant's messages clearly demonstrates that he had threatened the victim of serious consequence for which he is also prepared to face any extreme consequences. Thus, the threats extend to grave physical injury or death to the victim. Some such messages sent by the applicant to the victim, by pasting the emojis of a crying face on the photograph of the victim, read as under :-

" क्यों XX किसी लड़के से शादी सगाई करके ऊके ऊपर दाग लगाना चाहती हो क्यों उसकी जिंदगी खराब करना चाहती हो हा।तुमने तो मेरे साथ गलत कर दिया लेकिन किसी ओर लड़के से सगाई शादी करके उसकी जिंदगी खराब मत करो।मेने तुम्हारे लिए क्या नहीं किया ये बता



दो बस। क्यों तुमने 6 साल मेरे से प्यार करके लास्ट मॉड पर आकर मेरी जिंदगी खराब की उसका जवाब दो। चाहे तुम शादी भी कर लो उसके बाद भी शादी बर्बाद कर दूंगा ये मेरा वादा है तुमसे और मैं अपने वादे पर अटल हू। मैं चाहता हू तुम मेरे ऊपर केस करो।

XX तुम्हारे लिए मेने क्या नहीं किया 6 साल तक मुझे ये बता दो मेने तुम्हे कभी गलत तक नहीं बोला तुम सोचती हो तुम मुझे छोड़ कर आराम से रह लोगी ये संभव नहीं। अरे जेल ही तो जाना होगा न चला जाऊंगा 10 दिन ज्यादा से ज्यादा फिर क्या। कर लो भाई की शादी हो लो खुश जितना होना है। लेकिन तुम्हारी शादी कही नहीं होगी और ना होने दूंगा चाहे मुझे किसी भी अंजाम से गुजरना पड़े ये वादा है तुम्हारे बंदी का

"रोने का नहीं पता कभी भी आशु आ जाते है XX अब जिंदगी के 2 ही मकसद है बस एक बार govt job लगना जल्दी से और दूसरा तुम्हे अपनी जिंदगी में लेकर आना..... मेने तुम्हे बेइंतहा मोहब्बत की है मेने XX मारना मंजूर हैं बस तुम्हे किसी और की नहीं होने दे सकता "

8] The victim, in her statement u/s.183 of BNSS has also stated that she has stopped going to the college due the aforesaid threats of the applicant. However, it is rather unfortunate that the person, who has threatened the victim by sending such depraved or perverted messages on social media, is still charged under the offences which are bailable in nature, as no specific category of such offences has been made by the Legislature in its wisdom to discourage such defiant offenders, and the victims of such offences who are women only and mostly young girls, are often left with nothing but a sense of foreboding, with no protection from the State or the Courts.

9] Be that as it may, in the circumstances, although the application itself is not maintainable as it was not a case of non-bailable offences, however, since the learned Judge of the trial court has dismissed the bail application on merits without going it to the aforesaid aspect of the matter, this Court has no option but to direct the police to release the applicant in the event of his arrest. However, the applicant is also hereby prohibited from contacting the



victim in any manner.

10] In view of the same, this Court is inclined to allow the bail application, as the custodial interrogation of the applicant does not appear necessary. Accordingly, without commenting on the merits of the case, the application is **allowed**. It is directed that in the event of arrest, applicant shall be released on bail, upon her executing a personal bond in the sum of Rs.25,000/- (rupees Twenty Five thousand only) and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

11] The applicant shall make himself available for interrogation by a Police Officer, as and when required. He shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE