



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 28th OF AUGUST, 2025

MISC. CRIMINAL CASE No. 33645 of 2025

RAHUL

Versus

THE STATE OF MADHYA PRADESH

Appearance:

*Shri Vivek Singh- Senior Advocate with Shri Akshay
Suryawanshi- Advocate for the applicant.*

Shri K. K. Tiwari - G.A. for the State.

Shri Rahul Maheshwari- Advocate for the objector.

WITH

MISC. CRIMINAL CASE No. 33168 of 2025

GAURAV TOSHNIWAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rahul Maheshwari- Advocate for the applicant.

Shri K.K. Tiwari- G.A. for the State.

*Shri Vivek Singh- Senior Advocate with Shri Akshay Suryawanshi-
Advocate for the respondent No.2.*

ORDER

1] This order shall govern the disposal of both the M.Cr.C.s, as they have arisen out of same Crime No.565/2025 registered at Police Station Lasudia, District Indore.

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



3] M.Cr.C. No.33645/2025 is the first bail application filed by applicant Rahul under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023/438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No.565 of 2025 registered at Police Station Lasudia, District Indore for offence punishable under Sections 115(2), 126(2), 291, 296, 119(1), 351(3) and 3(5) of B.N.S.

4] M.Cr.C. No.33168/2025 is an application filed under 483(3) of Bharatiya Nagrik Suraksha Sanhita, 2023 for cancellation of bail of respondent No.2 Ekta Soni, who has been granted bail by this Court in M.Cr.C. No.24906/2025 dated 12.06.2025.

5] The allegations against the applicant are of assault and criminal intimidation.

6] Shri Vivek Singh, learned Senior counsel for the applicant has submitted that the applicant is presently posted as Patwari at Ujjain, whereas, his wife is also posted as Assistant GST Commissioner at Ujjain, who was earlier posted at Indore, and they were residing in the house of the complainant, with whom they had a dispute, as a result of which, the aforesaid FIR has been lodged. Counsel has submitted that the applicant's wife Ekta Soni has already been granted anticipatory bail by this Court in M.Cr.C. No.24906/2025 dated 12.06.2025 on the condition of depositing the remaining rent amount. It is also submitted that the applicant has deposited the rent to the tune of Rs.60,000/- in the account of the complainant, whereas, Rs.1,20,000/- has been given in cash, and the case of the applicant is identical to that of his wife, and thus, it is submitted that the application may be allowed, because if the applicant is arrested,



irreparable injury shall be caused to him, as he is a Government servant.

7] Counsel for the objector, on the other hand, has opposed the prayer, and it is submitted that the applicant's wife has not complied with the order passed by this Court in M.Cr.C. No.24906/2025 dated 12.06.2025, in its letter and spirit, and only Rs.60,000/- has been deposited, and the remaining amount in cash as claimed to be paid, was never given to the complainant, for which, the complainant has also filed M.Cr.C. No.33168/2025 for cancellation of bail. Thus, it is submitted that the bail granted to the applicant's wife be cancelled, and the present bail application filed by the applicant be also rejected.

8] Counsel has also submitted that the applicant and his wife have similar behavioural issues, as they had also quarrelled with their earlier landlords and co-tenants, who have also lodged complaints, copies of which have also been filed along with the application for cancellation of bail.

9] Senior counsel for the applicant, in rebuttal, has submitted that the on the date when the applicant's wife's anticipatory bail application was allowed, the complainant also entered into the rented premises and has committed theft in the house. The CCTV footage of the incident is also filed on record. It is also submitted that the applicant is ready to deposit the remaining amount of rent in the Court, if this Court comes to a conclusion that the cash amount was not paid by the applicant.

10] In rebuttal, counsel for the complainant has also submitted that it was not an offence of theft, in fact, the complainant had entered



into the house in the presence of the Police, as some foul smell was coming from the same.

11] Heard counsel for the parties and perused the record.

12] Having considered the rival submissions and on perusal of the record, this Court finds that the applicant is residing in the house of the complainant as a tenant, and the FIR in the present case was filed on 25.01.2025, alleging criminal intimidation. It is alleged that the applicant and his wife are demanding a sum of Rs.20 Lakhs to vacate the premises, despite the fact that they have also not paid the rent since last nine months at the rate of Rs.20,000/- per month, despite issuance of legal notice to them. It is apparent that the dispute is a landlord-tenant dispute, which has escalated into assault and criminal intimidation, as alleged by the complainant landlord.

13] In such circumstances, considering the fact that the applicant happens to be a Patwari, his arrest in this trivial case would certainly seriously prejudice his future prospects, however, it is also found that the bail order passed in favour of the applicant's wife Ekta Soni has not been properly complied with in its true letter and spirit, and only a sum of Rs.60,000/- has been paid, and although, the applicant has contended that a sum of Rs.1,20,000/- has been paid in cash, but there is nothing on record to suggest that this amount has been given by him.

14] In such circumstances, this Court is inclined to allow the present application with the condition that the applicant shall deposit the amount of Rs.1,20,000/- in the Trial Court.

15] It is also found that against the applicant and his wife, similar complaints have also been filed by their earlier landlord and



co-tenants alleging various allegations against the applicant and his wife, of causing nuisance and harassment, which is unbecoming of a model tenant, which is deplorable and the applicant and his wife are hereby cautioned in this regard as their such conduct may lead them in some serious trouble, not conforming to their government service.

16] Thus, without reflecting anything on the merits of the case, the application filed under Section 482 of BNSS / 438 of Cr.P.C. on behalf of the applicant Rahul is hereby allowed subject to depositing a sum of **Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only)**, within one month, and the said amount shall be subject to the final outcome of the case by the trial Court.

17] Accordingly, M.Cr.C. No.33645/2025 is **allowed**. It is directed that upon applicant's or any other person on his behalf depositing a sum of **Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only)** in a fixed deposit in a nationalized bank and producing the receipt/certificate of the same before the concerned trial Court, in the event of arrest, applicant shall be released on bail, upon his 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 Trial Court/Arresting Officer (Investigating Officer). The deposit receipt/certificate so produced by the applicant shall be endorsed by the learned Judge of the lower Court to be, 'furnished towards the bail of the applicant and shall be subject to the final decision of the case by the trial Court'.

18] 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.

19] For the reasons assigned in the application, and additional direction to the respondent No.2's husband, the applicant in M.Cr.C. No.33645/2025 to deposit the rent in the Trial Court, this Court finds that no case for cancellation of bail of the respondent No.2 Ekta Soni in M.Cr.C. No.33168/2025 is made out.

20] Accordingly M.Cr.C No.33168/2025 is *dismissed*.

(SUBODH ABHYANKAR)
JUDGE

Bahar