



IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 12th OF MARCH, 2025

MISC. CRIMINAL CASE No. 8495 of 2025

DHARMENDRA

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Ms. Deepanshi Ishar - advocate along with Shri Prabuddha Singh, Advocate for the petitioner .

Shri Bhuwan Deshmukh-GA appearing on behalf of Advocate General.

ORDER

- 1] They are heard. Perused the case-diary.
- 2] This is the **fourth** bail application filed by the applicant under Section 483 BHARTIYA NAGRIK SURAKSHA SANHITA, 2023/Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.95/2023 registered at Police Station Bhairavgarh District Ujjain for the offences punishable under Sections 409,420,467,468,471, 120 B & 34 of IPC and Sections 7(C),13(1)A,13(2) of the Prevention of Corruption Act 1988, section 66(c) of the Information Technology Act 2000. The applicant is in custody since 29.3.2023.
- 3] His first temporary bail application was dismissed by this Court vide order dated 8.11.2023, passed in MCRC.No.49797/2023. His second regular bail application was dismissed on merits vide order dated 26.2.2024 passed in MCRC.No.2931/2024 (Annexure P-9) by the coordinate Bench of this Court which was challenged by the applicant before the Supreme Court in SLP CrI.No.6237/2024 which was also dismissed vide order dated 6.5.2024. Whereas, third bail application was also dismissed by this Court vide order dated 13.8.2024, in MCRC.No.34552/2024 observing that since the applicant has not sought any liberty from the Supreme Court to renew his prayer before the High Court, this Court cannot entertain the application for regular bail on merits.



4] Counsel for the applicant has submitted that against the order dated **13.08.2024**, passed in **MCRC.No. 34552/2024**, the applicant had also preferred **SLP (CRL) SLP. (Crl.)No.14979/2024** which was decided by the Supreme Court on 5.11.2024, holding that the observation made by this Court that no liberty was sought from the Supreme Court was not in accordance with law, and has also observed that the earlier dismissal of **SLP. (Crl.) No.6237/2024** filed by the applicant does not prohibit the High Court or the trial Court from adjudicating a fresh bail application in accordance with law, and thus, it is submitted that since the other identically placed accused persons have already been granted bail by the coordinate Bench of this Court, and that the applicant is lodged in jail since 29.3.2023, and as such has completed almost two years of incarceration whereas only 3 witnesses have been examined out of 115 witnesses despite the fact that the charges were framed on 19.6.2023, and the final conclusion of trial is likely to take sufficient long time, it is prayed that the application be allowed.

5] Counsel for the State has opposed the prayer and it is submitted that the second bail application of the applicant was dismissed on merits, also taking into account his criminal antecedent, thus, no case for grant of bail is made out.

6] In rebuttal, counsel for the applicant has submitted that so far as the criminal antecedents are concerned out of 18 cases registered against the applicant, he has already been acquitted in 11 cases all of which are of the Gambling Act and other cases are of minor nature. Whereas the co-accused Rinku Singh Mandre, who is facing trial under section 376 of IPC, has already been granted bail by this Court in **MCRC.No.8345/2024** vide order dated 31.7.2024. The other co-accused Rohit Chourasiya, who had transferred an amount of Rupees Fifty Lakhs in the account of the applicant, has already been granted bail by the coordinate Bench of this Court vide order dated 7.2.2025 passed in **MCRC.No.36980/2024 (Rohit Chourasiya Vs. State of M.P.)**.

7] Having considered rival submissions, perusal of the case-diary as also the documents filed on record, it is found that the applicant's second bail application was dismissed on merits by this Court in **MCRC.No.2931/2024** vide order dated 26.2.2024, which was challenged by the applicant in Supreme Court in **SLP.(Crl.) No.6237/2024** which was decided on 6.5.2024, as here under:-



“We are not inclined to interfere with the impugned judgment and hence, the special leave petition is dismissed.”

8] After the aforesaid application was rejected, the applicant again preferred a bail application which was his third bail application MCRC.No.34552/2024 which was also dismissed by this Court on 13.8.2024, observing as under:-

“5] Heard. Having considered the rival submissions and on perusal of the case diary as also the order passed by this Court in MCRC.No.2931 of 2024 as aforesaid, which has also been affirmed by the Supreme Court by dismissing the petition(s) for Special Leave to Appeal (Crl.) No.6237 of 2024 vide order dated 6.5.2024, this Court is of the considered opinion that since the applicant has also not sought any liberty from the Supreme Court to renew his prayer before this Court, this Court cannot entertain the application for regular bail on merits.”

9] When the aforesaid order was again challenged by the applicant in the Supreme Court in SLP.Crl.No.14979/2024, the Supreme Court, vide order dated 5.11.2024 made the following observations:-

“We must observe that the disinclination of this Court, vide order dated 6.5.2024, in entertaining SLP(Crl.) No.6237/2024 filed by the petitioner, Dharmendra, does not prohibit the High Court or the trial Court from adjudicating a fresh bail application in accordance with law. The observations to the said effect in the impugned judgment dated 13.8.2024 are therefore, incorrect and not as per law.

At this stage, in view of the observations made by this Court, the learned senior Advocate appearing for the petitioner seeks permission to withdraw the present special leave petition and states that the petitioner, Dharmendra, if so advised, would file a fresh application for grant of bail in case of a change in circumstances or, if the trial gets prolonged due to reasons not attributable to the petitioner or the co-accused.”

10] It can be culled out from the aforesaid orders passed by this Court as also the Supreme Court that even if a petition is dismissed in *limine* by the Supreme Court arising out of an order of rejection of bail, such rejection would not stand in the way of the High Court or the trial Court to consider the bail application afresh.

11] It is also apparent from the aforesaid order of the Supreme Court that the liberty to renew the prayer before this Court was also sought, if the trial gets prolonged due to reason not attributable to the petitioner and on account of change in circumstances, thus the present application has been filed before this Court.



12] Considering the fact since the other identically placed accused persons have already been granted bail by the coordinate Bench of this Court, and that the applicant is lodged in jail since 29.3.2023, and as such has completed almost two years of incarceration whereas only 3 witnesses have been examined out of 115 witnesses despite the fact that the charges were framed on 19.6.2023, and the final conclusion of trial is likely to take sufficient long time and also taking into consideration the order passed by the coordinate Bench of this Court *MCRC.No.36980/2024 (Rohit Chourasiya Vs. State of M.P) (Annexure P-15)* as also by this Court in *MCRC.No.8345/2024 (Rinku Singh Mandre Vs. State of M.P)*, and the order passed by the Supreme Court in *SLP.(Crl.)No.14979/2024 order dated 5.11.2024 (Dharmendra Vs. State of Madhya Pradesh) (Annexure P-14)*, this Court is inclined to allow the application.

13] Accordingly, without commenting anything on merits of the matter, the present application for grant of bail is allowed. The applicant is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand)** with one solvent surety in the like amount to the satisfaction of the Trial Court for his appearance, as and when directed and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

14] Accordingly, the MCRC stands **allowed**.

(SUBODH ABHYANKAR)
JUDGE

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