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MCRC-31134-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL

ON THE 25th OF JULY, 2025MISC. CRIMINAL CASE No. 31134 of 2025*RAMAPRASANN DHAR DWIVEDI**Versus**THE STATE OF MADHYA PRADESH*

Appearance:

Shri Prakash Upadhyay- Senior Advocate with Shri J.S. Saini, advocate for
the applicant

Shri Satya Pal Chadar- G.A.for the respondent/State.

ORDER

This first application under Section 482 of BNSS has been filed on behalf of
the applicant for grant of anticipatory bail.

2. Applicant apprehending his arrest in connection with Crime No.
254/2025 of Police Station-Civil Lines, District-Rewa (MP) for commission of the
offences punishable under Sections Sections 318(4), 319(2), 336(3), 338, 340(2)
and 61 of BNS has knocked the portal of this Court for grant of anticipatory bail.

3 . Prosecution story, in brief, is that applicant, being incharge for
receiving application for compassionate appointment, did not verify the
documents in accordance with law and did not verify unique ID of employee
properly. On account of which persons, whose relatives were not employees and
who were not dead, got compassionate appointment

4. Learned senior counsel for the applicant submits that applicant was
incharge for receiving application pertaining to compassionate appointment and
he was posted in District Education Office. He used to forward application



received by him to Nodal Officer and Nodal Officer, after examining the same, forwarded it to DEO for further action. It is urged that only allegation against the present application is that he did not examine documents properly and he did not perform his duty diligently. There was dereliction of duty on his part. It is also urged that when concerned person went to join in concerned school, then, it was found that the person, who received compassionate appointment, was not having any parents/relative posted in the school, they did not expire. It is also urged that there is no evidence on record to show that applicant connived with the beneficiaries in any manner whatsoever before forwarding compassionate appointment application. Further, After relying on Anil Kumar Bose Vs. State of Bihar, (1974) 4 SCC 616 , it is urged that non compliance of rule and procedure is not sufficient to conclude that there was any mens rea on the part of applicant.

5. Learned senior counsel for the applicant further submits that applicant has no role in the selection and appointment process. He is not appointing authority and was not part of any committee that made recommendation of disputed candidates. It is urged that no specific overt act has been attributed to the applicant in the FIR or case diary that would justify custodial interrogation or arrest, The allegations are general and based on departmental procedural lapses. FIR and case materials reveal that the matter involves examination of documentary evidence, which is already in possession of the investigating agency. Therefore, no custodial interrogation is warranted. It is also urged that the Sessions Court has rejected the application only on the basis that the investigation is at a nascent stage and the applicant is yet to be interrogated. These reasons alone are not sufficient to deny anticipatory- bail, especially when the applicant expresses full readiness to cooperate. As per the knowledge of the applicant, no financial loss has been occurred to the department as salary was not paid to the person appointed through



forgery. It is urged that it is a settled practice that final verification is done at the time of joining, prior to that self attestation is treated good for verification. Looking to the facts and circumstances of the case, no criminal liability is made out against the applicant. The allegations in the FIR and case diary proceedings do not disclose any direct or specific act of the applicant that would constitute the ingredients of the offences registered under Sections 319, 318(4), 338, 336(3) or 340 of the B.N.S. Therefore, it has been prayed that the applicant be released on bail pending the trial.

6. On the other hand, learned counsel for the State has opposed grant of anticipatory bail.

7. This Court has examined the submissions of learned counsel for the parties.

8. Having regard to contents of FIR and the fact that investigation is going on and also having regard to the fact that custodial interrogation of applicant would also be required in the case, no case of grant for anticipatory bail to the applicant is made out.

9. Therefore, this first anticipatory bail application under Section 482 of BNS on behalf of applicant Ramaprasann Dhar Dwivedi stands **dismissed**.

(ACHAL KUMAR PALIWAL)
JUDGE

L.R.