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MCRC-60135-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 10th OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 60135 of 2025*DIVYA RAJA ALIAS DEVKUMARI**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Aman Soni - Advocate for the applicant.

Ms. Swati George - P.L. for the respondents/State.

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ORDER

Case diary of Crime No.37/2025 is available.

2 . By order dated 02.02.2026, the State counsel was directed to requisition the case diary of counter case no. 39/2025 registered at P.S. Bhagwa, District Chhatarpur. It is submitted by Smt. Swati Asim George, Panel Lawyer, that case diary of counter case no.39/2025 is not available. Thus, it is clear that the Investigating Officer is deliberately withholding the case diary of counter case so that the hearing of this case may not take place. Such misadventurous act on the part of the police authorities cannot be appreciated because they cannot curtail the life and liberty of any citizen of this country as per their own whims and wishes. Accordingly, the case is heard on the basis of the case diary of this case.

3. This application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023/438 of Cr.P.C. has been filed by applicant seeking anticipatory



bail in Crime No.37/2025, registered at Police Station Bhagwa, District Chhatarpur for offences punishable under Sections 296, 115(2), 351(2), 331(6), 3(5) of BNS.

4 . According to the prosecution case, the allegations against the applicant is that he has assaulted the injured by fists and blows. The main allegation of assaulting the injured by weapons is against the other co-accused persons.

5. It is fairly conceded by counsel for the State that the applicant has no criminal history.

6. Considering the totality of the fact and circumstances of the case, specifically the act of the Investigating Officer of withholding the case diary of counter case no.39/2025, the application for grant of anticipatory bail is allowed.

7. Accordingly, it is directed that in case, if the applicant appears before the Investigating Officer on or before 17.02.2026 and furnishes bail bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one surety in the like amount to the satisfaction of the Investigating Officer, then, he shall be released on anticipatory bail.

8. The anticipatory bail shall continue till the conclusion of trial. However, in case of bail jump, the trial court shall be free to issue arrest warrant and shall be free to take the applicant in custody. It is made clear that in case if applicant fails to appear before the Investigating Officer on or before 17.02.2026 or fails to deposit the amount, then, this order shall automatically stand cancelled.



9. With aforesaid observations, the application for grant of anticipatory bail is **allowed**.

(G. S. AHLUWALIA)
JUDGE

Priya.P