



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 23rd OF FEBRUARY, 2026

CRIMINAL REVISION No. 200 of 2026

RAMASHANKAR SHAH

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Pradeep Naveriya - Advocate for the applicant.

Ms. Nitu Pariney - Panel Lawyer for the State of M.P.

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ORDER

Heard on admission.

This revision is **admitted** for final hearing.

With the consent of learned counsel for the parties, this revision is heard finally.

2. This revision is filed for against the order dated 10.1.2026 passed by learned J.M.F.C., Singrauli, M.P. in R.C.T. No.318 of 2025 whereby an application under Section 480 (6) of B.N.S.S. 2023 has been dismissed.

3. Learned Panel Lawyer for the State supports the impugned order and prays for rejection of default bail application.

4. Learned counsel for the applicant prays for grant of default bail under Section 437 (6) of Cr.P.C. (new provisions under Section 480 (6) of B.N.S.S. 2023).

5. It is seen that the charges were framed against the applicant who is in District Jail- Pachore and was appearing through V.C. on 19.8.2025



under Section 309 (4) and Section 351 (3) of B.N.S.S. (old Section 392 and Section 506 of IPC) respectively.

6. Thereafter the first date of evidence was 26.8.2025 and on that day as seen from the copy of order sheet nothing has been mentioned about service of summons which were issued on 19.8.2025 against witnesses namely Krishnamati Kushwaha, Lale Kushwaha, Phulau Kushwaha and Shankardayal Kushwaha and simply has been mentioned on 26.8.2025 that summons to be issued against above mentioned witnesses and case was adjourned to 8.9.2025. On 8.9.2025 it was mentioned that the case is fixed for prosecution witnesses but they are not present but it is seen that no speaking order sheet has been written regarding whether the summons were received back or not. If they were received back what was the noting in the summons whether they were served or unserved or witnesses not found. Again case was posted to 18.9.2025 for recording statements of prosecution witnesses and on 18.9.2025 again it was mentioned that witnesses nos. 1 to 3 to be summoned through summons. Case was posted for 27.9.2025. On that day one witness namely Krishnamati Kushwaha was present. Her examination-in-chief was conducted but cross-examination was deferred as the time of the court was over. Other witnesses were summons through summons. On the next date i.e. on 7.10.2025 the witness Krishnamati Kushwaha appeared but it is simply mentioned that witness is being bound over for the next date as the court is busy in other cases and the case was adjourned for 16.10.2025. On 16.10.2025 the witness Krishnamati Kushwaha was present. She was cross examined and thereafter the case was



adjourned for recording statements of other prosecution witnesses to 30.10.2025. On 28.10.2025 an application under Section 480 of B.N.S.S. 2023 was filed which as rejected by learned trial court.

7. On 30.10.2025 the prosecution witnesses Babunandan Kushwaha, Phulau Kushwaha, Shankardayal Kushwaha were present. Statements of Babunandan Kushwaha was recorded and thereafter statements of Phulau Kushwaha till Para-2 were recorded and as the time of the court was over therefore cross-examination could not be conducted. The witnesses-Phulau Kushwaha and Shankardayal Kushwaha were bound over for the next date i.e. on 11.11.2025 and other witnesses Sant Kumar Shah, Atmaram Rajak Ramniwas Shah and Arun Kumar Vaishya, Randheer Singh were summoned through summons.

8. On 11.11.2025 no prosecution witness was present and again summons were issued against the prosecution witnesses. The case was fixed for 25.11.2025. On 25.11.2025 the witness Arun Kumar Vaishya was present and witness - Phulau Kushwaha was absent. Therefore against Sant Kumar Shah, Atmaram Rajak and Randhir Singh were bounded over. The witness - Phulau Kushwaha were summoned through bailable warrant of Rs.500/-. The case was fixed to 3.12.2025. Thereafter the witness - Sant Kumar Shah appeared on the same date. His statements were recorded. On 3.12.2025 evidence of Randhir Singh (PW-7) was recorded. The witness - Phulau Kushwaha was absent and Sant Kumar Shah and Atmaram Rajak were bounded over witness- Phulau Kushwaha were directed to be summoned through bailable warrant of Rs.500/- each and the case was posted on



12.12.2025. On 12.12.2025 nothing has been mentioned about receipt of summons or bailable warrant against the witnesses and simply it has been mentioned that bailable warrant of Rs.500/- be issued against Sant Atmaram Atmaram and Phulau Kushwaha. The case was posted for 26.12.2025 on which date the Presiding Officer was on leave. Therefore the statements could not be recorded. In the order sheet dated 26.12.2025, it is also mentioned that the prosecution witnesses are not present therefore let them be summoned as per order before and the case was fixed for 8.1.2026. On 8.1.2026 the prosecution witnesses - Shankardayal was present. He was examined. The witness - Phulau Kushwaha was absent and therefore bailable warrant was issued against Phulau Kushwaha and Atmaram Rajak and the witnesses - Sant Kumar and Rambahori were summoned through summons.

9. On 10.1.2026 an application under Section 480 (6) of B.N.N.S. 2023 was filed which was rejected by the trial court on the same day. Learned trial court mentioned while disposing of the application that the incident is of 25.7.2024 in the afternoon when in the forest prosecutrix Krishmati was stopped on her way by the accused and the accused Ramashankar Shah and committed a loot of her ornaments and also threatened her.

10. Learned trial court has mentioned that in M.Cr.C. No.57947 of 2025 the appellant - accused withdrew the revision and learned trial was directed to consider the bail application on merits without considering the fact that this High Court has dismissed the bail application.



11. Thereafter court proceeded to dispose of the application on merits holding that earlier bail application was rejected and since there is no change circumstances. Accordingly third application is rejected.

12, Now the order dated 10.1.2026 passed by learned J.M.F.C., Singrauli, M.P. in R.C.T. No.318 of 2025 is under challenge before this court.

13. Learned counsel for the revisioner submits that the application for default bail is Annexure A-3 from page-12 to page 15 in which paga no.14 and 15 are his affidavits.

14. It is seen that although in the heading the application has been filed under Section 480 (6) of B.N.S.S. but in the body of the application clear pleading is not made. Therefore, two things are very clear that for the first time although the application was filed under Section 480 (6) of B.N.S.S. but in such application the simple ground of not disposing of the case in the light of provision under Section 480 (6) of B.N.S.S. is mentioned which is read as under :-

480. When bail may be taken in case of non - bailable offence :-

- (1)
- (2)
- (3)
- (4)
- (5)

(6) If, in any case triable by a Magistrate, the trial of a person accused of any non - bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be



recorded in writing, the Magistrate otherwise directs."

15. Therefore it seems that on account of the pleadings in the application like that he is in jail for six months, he is very poor and offence is not punishable with death sentence some confusion perhaps has crept into the logic of the learned Trial Court Judge. It is also seen that while disposing of M.Cr.C. No.57947 of 2025 on 9.1.2026 the applicant withdrew the aforesaid M.Cr.C. with the liberty to file an application before the learned Magistrate under Section 480 (6) of B.N.S.S. and accordingly M.Cr.C. was dismissed as withdrawn with the liberty that if the bail application is filed before the Magistrate Court under Section 480 (6) of the B.N.S.S. 2023 then it has to be considered on merit.

16. Therefore it seems that learned trial court has not understood the real purpose of the order of the Hon'ble Coordinate Bench of this Court.

17. Even otherwise it is settled proposition of law that correct a interpretation of the application has to be applied although the ground of Section 480 (6) of B.N.S.S. was not mentioned but the application was filed under that provision and it was even referred into the order of Hon'ble Coordinate Bench of this Court. It shall be referred by learned Magistrate therefore the order of Magistrate cannot be allowed to be sustained and is accordingly set aside by allowing the application for grant of default bail.

18. As the trial court has not been completed within 60 days from the first date of the evidence after framing of the charges, order dated 10.1.2026 passed by learned J.M.F.C., Singrauli, M.P. in R.C.T. No.318 of 2025 is set



aside and the default bail is allowed and it is directed that on furnishing a personal of Rs.50,000/- (Rs. fifty thousand only) alongwith one surety of the like amount to the satisfaction of the trial the applicant shall be released on bail.

19. This revision is disposed of.

(AVANINDRA KUMAR SINGH)
JUDGE

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