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MCRC-2916-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEVNARAYAN MISHRA

ON THE 3rd OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 2916 of 2026*VIRENDRA DIXIT**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Manish Datt - Senior Advocate along with Shri Mayank Sharma
and Shri Sushil Kumar Tiwari - Advocate for the applicant.*

Shri C. K. Mishra - Government Advocate for the State.

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ORDER

This is the second application filed by the applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail relating to FIR/Crime No.473/2025 registered at Police Station Lakhawada, District Seoni (M.P.) for the offence punishable under Sections 310(2), 126(2), 140(3) and 61(2) of BNS, 2023. The applicant is in jail since 18.11.2025. Earlier bail application of the applicant was dismissed as withdrawn vide order dated 15.12.2025 passed in M.Cr.C. No.55605/2025.

2. Learned senior counsel for the applicant has submitted that the applicant has been implicated in the present case only on the ground that the co-accused, Pooja Pandey, is his relative. As per the prosecution case itself, at intervening night of 09.10.2025, the police officers along with the other accused persons stopped Creta Car bearing registration No.MH-13-EK-3430



and took out Rs.1,45,00,000/- which was of Hawala transaction amounting to Rs.2,96,50,000/- and the amount has been recovered from the possession of the police officer the then SDOP namely Pooja Pandey. It is alleged that this applicant was in constant touch with the co-accused. On that basis, the applicant has been made an accused.

3. Learned senior counsel has further submitted that as per the prosecution, the first call was made at 11:14 pm and 11:17 pm. After that, at 02:00 am, 02:30 am, 03:19 am, 04:03 am, chatting were being made between them. It is further submitted that, earlier in the morning, certain incriminating facts brought on the record, particularly the contents of a WhatsApp chat of such nature which comes under the purview of abetment of the offence.

4. Learned senior counsel for the applicant has also submitted that nothing has been recovered from the mobile phone of the present applicant. As per the investigating officer himself, on 09.10.2025 at 00:30-01:00 am, the offence was committed. The applicant's wife and Pooja Pandey are the real sisters. At the relevant time, the ailing son and mother-in-law of Pooja Pandey were in the house of the present applicant, it was natural that she would call to enquire about the health condition of her child and mother-in-law as both were ill. The co-accused Pooja Pandey was arrested on 14.10.2025 and her mobile phone was seized. The applicant was called by the police twice. First, on 25.10.2025 and after questioning, he was not arrested at that time. On the second notice, he was called and he has cooperated in the investigation. The other accused persons are government employees whereas the present applicant is a private person. Only on the



basis of chats, the present applicant could not be held liable for the offences of extortion or for committing the loot or dacoity.

5. Learned senior counsel for the applicant, relying upon the judgment of Hon'ble the Apex Court in the case of **Bharat Chaudhary v. Union of India** passed in SLP (Crl.) No.5703 of 2021 dated 13.12.2021, has submitted that Hon'ble the Apex Court has held that the printout of WhatsApp messages downloaded from the mobile phone and device seized from the office premises of the applicant could not be treated sufficient material to establish the live link between the persons from whose mobile, the link was taken from the other accused persons.

6. On that basis, learned senior counsel for the applicant has submitted that only on the basis of call record and WhatsApp chats, no inference can be drawn as the applicant and Pooja Pandey were near relatives and the son of Pooja Pandey was residing at that time in the house of the present applicant relating to the treatment.

7. Learned senior counsel for the applicant has further submitted that the prosecution case itself is that co-accused Pooja Pandey has not informed to higher officers about the search and seizure. No entry was made, on that basis, he has been made an accused. The charge sheet has been submitted against 13 police officials but no sanction to the prosecution has been taken against Pankaj Mishra and Pooja Pandey. Thus, the whole charge sheet is vitiated. On that basis, the applicant be also released on bail.

8. Learned Government Advocate for the State has opposed the bail application and has submitted that co-accused Pooja Pandey was sister-in-



law of the present applicant and usually she was talking with him 2-3 times in a day but on 08.10.2025 at 23:14 hours, when she got the information from Pankaj Mishra at 23:17 hours and she had given the information to this applicant. On 09.10.2025 at 02.02 am, the applicant has sent the message to Pooja Pandey that "wrong information to nhi hai" and after that at 03:19 am asked that "kya hua" and message was made at 04:01 am that "Manna nhi wo log man jayenge" and at 04:30 pm message was sent that " aur jaldi karo thoda jaldbaji dikhoge to kaam ho jayega". On that basis, the applicant was pursuing Pooja Pandey for committing the offence. After the incident also from 08.10.2025 at 10:00 pm to 09.10.2025 till 10:00 pm, 53 calls were made. It is further submitted that there is clear call record and WhatsApp chats. From the WhatsApp chats, it is clear that the applicant has informed the co-accused Pooja Pandey and thereafter induced her to exert pressure so that the complainant party may not raise any protest. On that basis, it is submitted that no case of bail is made out.

9. Heard the parties and perused the case diary.

10. The prosecution case in nutshell is that Sohanlal Parmar was working as a Hawala merchant. Mukhtar and Irfan from his friend/driver collected the money of Rs.2,97,50,000/- from Satna and Katni, were returning to Jalna in Creta Car bearing registration No.MH-13-EK-3430 which was stopped by police authorities in District-Seoni and the checking was made. After that, from the vehicle, Rs.2,97,50,000/- were found. In a proceeding, Rs.1,45,00,000/- were held by the police team and kept in the almira of SDOP office i.e. the office of the co-accused Pooja Pandey. When



the complaint was made by Sohanlal Parmar to the higher police officers then the investigation was made. From the SDOP office, the said amount was recovered and after enquiry, the Crime No.473/2025 was registered against the team of Police Officers. On the basis of the call record, it was found that the present applicant was in the constant touch of Pooja Pandey. On that basis, the present applicant has been arrested on the charge of abetment and conspiracy. Nowhere, it is stated that this applicant has visited the spot. Furthermore, the money has been recovered from the office of Pooja Pandey and all the accused persons have been arrested. The evidence against the present applicant is only on the basis of call record and WhatsApp chats.

11. Looking to the factual aspects of the case coupled with the facts that the charge sheet has been submitted and trial will take time to be concluded, this Court deems it appropriate to release the applicants on bail. Thus, without commenting anything on the merits of the case, the application is **allowed**.

12. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance before the said Court on all such dates as may be fixed by that Court in this regard during pendency of trial.

13. It is directed that the applicant shall neither try to contact the prosecution witnesses directly or indirectly nor try to give any threat to them.

14. It is further directed that the applicant shall comply with the



provisions of Section 480(3) of BNSS.

15. Without prior permission of the Court, the applicant shall not leave India.

16. Accordingly, Misc. Criminal Case stands disposed of.

Certified copy as per rules.

(DEVNARAYAN MISHRA)
JUDGE

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