



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAMKUMAR CHOUBEY

ON THE 18th OF MAY, 2026

CRIMINAL APPEAL No. 3818 of 2026

MULAM SINGH GOND

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Manan Agrawal - Advocate for the appellant through VC.

*Shri Rakesh Kesharwani - Government Advocate for the
respondent/State.*

Shri Shubham Mishra - Advocate for the objector through VC.
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ORDER

This appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') has been filed on behalf of appellant being aggrieved by order dated 21.04.2026, passed by the Special Judge, SC/ST (P.O.A.) Sagar (M.P.), established under Section 14 of the Act of 1989, whereby his bail application under Section 482 of BNSS, 2023 has been rejected.

2. The appellant is apprehending his arrest in connection with FIR/Crime No.52/2026 registered at Police Station Kesali, District Sagar (M.P.) for offences punishable under Sections 87, 64(2) of BNS and 3(1)(w)(i) and 3(2)(v) of the Act of 1989.

3. The facts of the case in short are that, on 30.03.2023 the mother of



prosecutrix lodged a missing person report, which was registered vide Crime No.22/2026 at Police Station Kesali, District Sagar. On 04.04.2026, missing person-prosecutrix stated in her statement recorded under Section 180 of BNSS that co-accused Sanju Patel took her in a white colour car, which was driven by the present appellant and brother of Sanju Patel. Manju Patel was also sitting inside the car. They took her to Padhahhir from where co-accused Sanju Patel took her to Bhopal and thereafter Indore where they stayed for five days where co-accused Sanju Patel had violated her privacy. On the basis of the said report, Crime No.55/2026 has been registered under Sections 87, 64(2) of BNSS and 3(1)(w)(i) and 3(2)(v) of the Act of 1989. The appellant has filed an application for anticipatory bail before the learned Special Judge, District Sagar, which was rejected by the impugned order. Thus, the present appeal has been preferred by the appellant seeking anticipatory bail.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated. It is submitted that co-accused Sanju Patel had procured the appellant's car saying that he needs his car for dropping his mother at Kevlari. Later, he came to know that co-accused Sanju Patel had taken some girl from his car. He made a representation on 31.03.2026 before the SHO, Kesali, and also to the Superintendent of Police, District Sagar, stating the said facts and also stated that the footage of CCTV cameras installed at the relevant places from where the car was alleged to be passed can be examined, as the appellant was on examination and tabulation duty in pursuance to the official letter dated 28.03.2026. It is also submitted



that the name of appellant was mentioned only because the car used by co-accused belongs to present appellant. It is submitted that appellant is also a member of scheduled tribe community, therefore the provisions of the Act of 1989 does not attract. He is in Government service and is ready to cooperate with the investigation. There is no apprehension of appellant's absconding or tampering with the prosecution evidence. He has an apprehension of arrest in the present case, which is falsely registered against him. Thus, he prays for anticipatory bail.

5. Learned counsel for the respondent/State has opposed the prayer for anticipatory bail and submitted that appellant is named in the FIR. Prosecutrix also stated that appellant was driving the car when she was being taken away by the co-accused persons. Therefore, he is not entitled for anticipatory bail.

6. Heard the learned counsel for the parties and perused the case diary.

7. The order-sheets reveal that this Court vide order dated 08.05.2026 directed the respondent/State to verify the documents submitted by appellant and also the CCTV footage. Further, vide order dated 15.05.2026, respondent/State was given time to comply with the order dated 08.05.2026. Despite that, respondent/State is unable to produce any verification report with respect to the CCTV footage and also the documents annexed with the bail application, including caste certificate of the appellant.

8. So far as the provisions of the Act of 1989 are concerned, it is apparent from the documents i.e. caste certificate, which is placed on record that the appellant also belongs to the scheduled tribe community "*Goud*".



Therefore, provisions of the Act of 1989 does not attract in respect to the present appellant. Further, the only allegation against present appellant is that he was driving the car at the time when the prosecutrix was being taken by co-accused Sanju Patel. On the basis of the representation made by the appellant, police is unable to examine and verify the CCTV footage, which could be the best evidence to demonstrate that appellant was driving the car. Appellant is a Government servant and there is no apprehension of his absconding or tampering with the with the evidence.

9. Considering the overall facts and circumstances of the case, particularly the fact that despite a clear representation made by appellant to the police on 31.03.2026 and, after seeking adjournment from this Court, respondent/State has utterly failed to submit the report in respect to CCTV footage examination, this Court is of the considered view that in these circumstances, appellant is entitled for pre-arrest of bail. Therefore, without commenting on the merits of the case, this application for anticipatory bail is **allowed**.

10. It is directed that in the event of arrest, appellant-**Mulam Singh Gond** shall be enlarged on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety in the like amount to the satisfaction of the Police/Arresting officer, for his appearance before the Arresting Officer during the course of investigation or before the trial Court during trial, as the case may be.

11. It is further directed that the appellant shall abide by all the conditions as enumerated under Section 438(2) of the Cr.P.C.



12. Accordingly, the appeal is **allowed** and **disposed of**.

(RAMKUMAR CHOUBEY)
VACATION JUDGE

sjk