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MCRC-31612-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 18th OF AUGUST, 2026MISC. CRIMINAL CASE No. 31612 of 2026*"S"**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manish Yadav - Advocate for the applicant.

Shri Hemant Sharma - GA for the State.

Shri Sanjay Kumar Chouhan- Advocate for the Objector.

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ORDER

This is the first application filed by the applicant- *"S"* under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking direction to release him on anticipatory bail in connection with Crime No.191/2026 registered at Police Station Najhiri, District Ujjain for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

2. As per the prosecution case, the prosecutrix approached the applicant/accused, who is an Advocate by profession practising before the District Court, Ujjain, in connection with legal consultation. It is alleged that the applicant proposed marriage to the prosecutrix, representing that he liked her and was desirous of marrying her. He also represented himself to be unmarried. Initially, the prosecutrix did not accept the proposal; however, on the continuous insistence of the applicant and considering her future, she



agreed to the proposal of marriage. On 07.09.2025, the applicant invited the prosecutrix for a date and took her to a hotel situated on Dewas Road, where a room was booked in his name. It is alleged that the applicant insisted upon establishing a physical relationship with her. When the prosecutrix resisted, the applicant assured her that he would marry her and thereafter established physical relations with her. It is further alleged that the physical relationship was repeated on subsequent occasions. When the prosecutrix insisted upon marriage, the applicant allegedly stated that his mother was not keeping good health and assured her that he would marry her after her health improved. Prior to lodging of the FIR, the prosecutrix again insisted upon marriage; however, the applicant/accused refused to marry her. Thereafter, the prosecutrix came to know that the applicant was already married and had a one-year-old child. Consequently, she lodged the present case against the applicant.

3. The applicant initially approached the learned Sessions Court, Ujjain, seeking anticipatory bail. However, by order dated 25.06.2026, the learned Sessions Court rejected the application.

4. Thereafter, the applicant has approached this Court seeking anticipatory bail on the ground that on 07.06.2026 a complaint was filed by the prosecutrix and she never stated to police that she was acquainted with or knew the applicant in any manner whatsoever. The absence of such a fundamental averment assumes significance and creates serious doubt regarding the prosecution's version and the implication of the applicant. Prosecutrix is threatening and demanding money. Trial shall take a



considerable amount of time for its final decision. The applicant is permanent resident of District Ujjain (M.P.) and there is no possibility of him to flee from the court of law.

5. Learned counsel for the applicant, while supporting the prayer for bail, submits that the applicant has been falsely implicated in the present case. It is submitted that Crime No.390/2024 was registered at Police Station Nanakheda, District Ujjain, at the instance of the complainant, wherein the prosecutrix did not disclose the alleged relationship with the applicant. It is further submitted that the proceedings dated 07.06.2026 before the Sub-Divisional Magistrate, Ujjain also indicate the circumstances in which the subsequent allegations came to be made against the applicant.

6. Learned counsel appearing for the victim has opposed the prayer for anticipatory bail and submits that the previous failure of the relationship between the parties cannot be a ground to condone the alleged acts of the applicant. It is further submitted that the FIR in Crime No.90/2026, registered at Police Station Kharakuan, District Ujjain (MP) under Sections 296(b), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, lodged on 06.06.2026, specifically mentions the relationship between the applicant and the prosecutrix. It is also alleged therein that the applicant committed physical assault and attempted to delete photographs relating to the relationship which were stored in the mobile phone. Thereafter, the applicant allegedly extended threats to the prosecutrix. It is submitted that the proceedings before the Sub-Divisional Magistrate, Ujjain, dated 07.06.2026, were initiated as a consequence of the acts committed by the applicant and



the threats extended by him in the presence of the police. Considering the conduct of the applicant/accused and his position qua the victim/prosecutrix, applicant/accused is not entitled for grant of anticipatory bail. It is not denied that he is already married and when prosecutrix came to take legal consultation he misused this position.

7. Counsel for the State opposes the bail application.

8. The scope of anticipatory bail has been examined by the Apex Court in *Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and Another* reported in *2025 SCC OnLine SC 1489*. For the sake of convenience, para 18 is being reproduced as below:-

“18. This Court, in numerous judgments, has held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. In this regard, we may gainfully refer to *Srikant Upadhyay v. State of Bihar*, (2024 SCC OnLine SC 282) wherein this Court noted as follows:

We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases....”

(emphasis supplied)

9. Having perused the material collected during the investigation, the



statement of the Manager of Hotel Dewas dated 27.06.2026, wherein he has stated that the applicant/accused came to his hotel with the prosecutrix on 07.09.2025, 19.10.2025, 02.11.2025, and 25.12.2025, as well as the statements of the parents and friends of the prosecutrix, to whom the proposal for marriage between the prosecutrix and the applicant was communicated, and the contents of FIR bearing Crime No.90/2026, registered at Police Station Kharakuan, District Ujjain (M.P.), along with the proceedings of the applicant recorded before the Sub-Divisional Magistrate, Ujjain, on 07.06.2026, this Court is of the considered opinion that the applicant is not entitled to the grant of anticipatory bail. Accordingly, MCRC is dismissed.

(GAJENDRA SINGH)
JUDGE

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