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MCRC-45854-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AJAY KUMAR NIRANKARI

ON THE 28th OF SEPTEMBER, 2026

MISC. CRIMINAL CASE No. 45854 of 2026

CNR No.: MPHC010689572026

ABHIRAJ JOGI

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Shiv Kumar Kashyap - counsel for the applicant

Shri Somesh Gupta - Panel Lawyer for the respondent - State
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ORDER

This is the first bail application preferred by the Applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking grant of anticipatory bail in connection with Crime No.628/2026, registered at Police Station Gohalpur, District Jabalpur (M.P.), for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. As per the prosecution story, in brief, the prosecutrix and the Applicant were known to each other for the past six years and were allegedly in a live-in relationship. It is alleged that during the course of their relationship, the Applicant promised the prosecutrix that he would marry her and, on the basis of the said alleged promise, established



physical relations with her. It is further alleged that subsequently the applicant refused to marry the prosecutrix, pursuant to which the present FIR came to be registered against the applicant.

3. Counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case. The prosecution case, insofar as the present applicant is concerned, is based upon allegations which are disputed and are not supported by any independent or legally sustainable material. The applicant has not committed the alleged offence and deserves to be protected from arrest. The essential ingredients of the offence alleged under Section 69 of the Bharatiya Nyaya Sanhita, 2023 are not made out against the present applicant. A bare perusal of the FIR and the prosecution story itself reveals that the applicant and the prosecutrix were known to each other and were allegedly in a relationship for approximately six years. The applicant's specific defence is that the relationship between the parties was consensual and continued for several years. The mere fact that the relationship did not ultimately culminate in marriage, by itself, cannot be treated as sufficient to constitute an offence under Section 69 of the BNS unless the statutory ingredients of the offence are otherwise established. The present FIR is a counterblast and an afterthought. The applicant had advanced a sum of Rs.1,10,000/- to the prosecutrix on account of her financial requirements. When the applicant demanded repayment of the aforesaid amount, the prosecutrix, according to the



applicant, lodged the present FIR with the intention of avoiding repayment and exerting undue pressure upon him. It is further submitted that the applicant's case that the FIR has been lodged at Police Station Gohalpur despite the alleged occurrence having no proper territorial nexus with the said Police Station. The circumstances surrounding the lodging of the FIR, including the dispute relating to repayment of money, therefore require due consideration while examining the applicant's prayer for anticipatory bail. The applicant is a respectable young man aged about 24 years and has absolutely clean antecedents. He has never previously been involved in any criminal case or been convicted of any offence. There is no reasonable apprehension that, if protected by anticipatory bail, he would flee from justice, tamper with the prosecution evidence, or influence or threaten any prosecution witness. The applicant is ready and willing to cooperate with the investigation and to abide by any condition imposed by this Hon'ble Court. The applicant's fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India deserves due protection. Arrest is not to be treated as a punitive measure, particularly where the applicant is willing to cooperate with the investigation and his custodial interrogation is not shown to be necessary. In the facts and circumstances of the present case, his arrest on the basis of the allegations made in the FIR would cause serious prejudice to his personal liberty, reputation and future career. The applicant, therefore,



deserves the protection of anticipatory bail in the interest of justice. Counsel for the applicant has also drawn attention of this towards the order dated 27/02/2026 passed by co-ordinate bench of this Court in M.Cr.C.No.8420/2026 and order dated 22/04/2026 passed in M.Cr.C.No.17649/2026.

4. Counsel for the State, on the other hand, has opposed the application and submits that the allegations levelled against the applicant are serious in nature. It is contended that the prosecutrix has specifically alleged that the applicant, during the course of their relationship, made a promise to marry her and, on the basis of the said promise, established physical relations with her, but subsequently refused to marry her. It is submitted that the allegations made in the FIR disclose the commission of the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 and the matter requires investigation. It is submitted that the allegations made by the prosecutrix require proper investigation and the statements of the prosecutrix and other witnesses, as well as the other material collected during investigation, are required to be examined in accordance with law. It is further submitted that the fact that the Applicant and the prosecutrix were acquainted with each other for a considerable period or were allegedly in a live-in relationship does not, by itself, negate the allegations made in the FIR.

5. Heard learned counsel for the parties and perused the case diary and the material available on record.



6. Perusal of case diary clearly reveals that it is specifically alleged that during the subsistence of the relationship between the applicant and the prosecutrix, the applicant promised to marry her and, on the basis of the said promise, established physical relations with her. It is further alleged that subsequently the applicant refused to marry her, pursuant to which the present FIR came to be lodged. It is also revealed from the case diary that, when the prosecutrix became pregnant, the applicant allegedly attempted to terminate her pregnancy and provided her pills purportedly intended for termination of the pregnancy. Learned counsel for the Applicant has mainly contended that the relationship between the parties was consensual and continued for approximately six years and mere failure of the relationship to culminate in marriage would not, by itself, constitute an offence under Section 69 of the BNS. However, at this stage, the mere assertion that the relationship was consensual cannot, by itself, be treated as conclusive of the Applicant's entitlement to anticipatory bail. The fact that the prosecutrix may have consented to the physical relationship does not, by itself, imply that such consent conferred an unrestricted or unconditional right upon the applicant to act in any manner whatsoever. The orders relied upon by learned counsel for the applicant are distinguishable on their respective facts and do not confer an automatic right to anticipatory bail upon the applicant. In view of the specific allegations contained in the FIR, the nature of the accusation, and the fact that the defence raised by the



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applicant involves disputed questions which require investigation and appreciation of evidence, this Court is not inclined to extend the discretionary relief of anticipatory bail to the Applicant at this stage.

7. Accordingly, the present first application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail is **dismissed**.

(AJAY KUMAR NIRANKARI)
JUDGE

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