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MCRC-11343-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 26th OF MARCH, 2025MISC. CRIMINAL CASE No. 11343 of 2025*PANKAJ PANDEY @ PANKAJ GAUTAM**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Mrigendra Singh - Senior Advocate with Ms. Akanksha Singh Chauhan -
Advocate for the applicant.*

Shri Amit Bhurak - Government Advocate for the respondent-State.

Shri Praveen Mishra - Advocate for the objector.
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ORDER

This is the second application filed by the applicant under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail relating to Crime No.642/2024 registered at Police Station Jamodhi Sidhi, District Sidhi for the offence punishable under Sections 137(2), 74, 308(2), 107, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. The applicant is in jail since 11.10.2024.

2. The first bail application (M.Cr.C. No.972/2025) was dismissed as withdrawn vide order dated 20.01.2025.

3. Learned counsel for the applicant submits that as per the case of the prosecution, it is clear that though the present applicant was accompanying with other co-accused but according to the statement of witnesses, he has



done nothing and no recording of the incident was made by him and the mobile was seized from some other accused and the motorcycle which was used in the crime was also of some other accused. The bail application of the co-accused person was rejected by the Court considering his past criminal antecedents. However, present applicant has no past criminal antecedents and no case has been registered against him. Shri Singh submits that although the present applicant was present on the spot but looking to his role, period of custody and age that the present applicant, the bail application can be considered.

4. On the other hand, learned Government Advocate has opposed the prayer of bail and submitted that merely because present applicant has not recorded the incident and has not used the mobile, does not mean that he is entitled to be released on bail.

5. Learned counsel for the objector has supported the submissions of the State and submits that the applicant was present on the spot and other role which he has played in not restraining the other accused from committing the crime make him equally responsible in commission of crime, therefore, the bail application deserves to be rejected.

6. Considering the arguments advanced by learned counsel for the parties and on perusal of case diary and the fact that bail application of other co-accused was rejected on the ground of past criminal antecedents, present bail application can be considered on the ground that though the presence of applicant was noticed in the crime but he has not used the mobile and has also not assaulted the deceased and other friends of the deceased, therefore,



looking to the period of custody which is from 11.10.2024, I am inclined to enlarge the applicant on bail. Thus, without commenting anything on the merits of the case, this application is **allowed**.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one 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 the pendency of trial.

8. On being released, the applicant shall comply with the provisions of Section 480(3) of BNSS.

(SANJAY DWIVEDI)
JUDGE

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