

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 14th OF JULY, 2025
MISC. CRIMINAL CASE No. 29212 of 2025
SEETU AND OTHERS
Versus
*THE STATE OF MADHYA PRADESH***

Appearance:

Shri Vijay Sharma - Advocate for the applicants.

Shri K. K. Tiwari- G.A. for the State.

ORDER

1] Counsel for the applicants prays for withdrawal of this first anticipatory bail application under Section 482 of B.N.S.S., 2023/438 of Cr.P.C., with liberty to surrender before the trial Court.

Prayer is allowed.

2] Accordingly, the application is *dismissed as withdrawn*, with the liberty as prayed for.

3] However, before parting with this application, it is necessary for this court to take note of a disturbing trend which the police stations are adopting nowadays, which is, to extend undue benefit of deliberate procedural lapses at the initial stage of a crime. Thus, on 03.07.2025, this Court also directed the counsel for the State to take instructions, the order reads as under:-

“Counsel for the State is directed to take instructions in the matter if any photographs of the injured persons were taken after the incident by the police or by the private persons also, and if they are available, the same may be produced on the next date of hearing, and if the photographs are not taken, let an explanation be furnished by the concerned Investigating Officer as to why the photographs were not taken.”

4] The aforesaid directions were given by this Court to produce the photographs, because, on the face of the record, this Court found that the injured persons had suffered grievous injuries, but the police had registered the case under petty sections, which allowed the applicant to obtain bail.

5] Pursuant to this order, a report has been submitted by the concerned Officer at the Police Station Ringnod, Ratlam stating that when the injured persons approached the Police Station, it was night time, and they had suffered grievous injuries, hence, they were immediately taken to the hospital, and thus, the photographs could not be taken, and no other private person or doctor also took the photographs. The report reads as under:-

“कार्यालय पुलिस थाना कल्याणपुरा जिला झाबुआ (म.प्र.)

Email-Newtikalyanpurajhabuam@gmail.com

क्रमांक- 835/2025

दिनांक-07.07.2025

प्रति,

माननीय उच्च महाधिवक्ता महोदय

खण्डपीठ इन्दौर जिला इन्दौर (म.प्र.)

विषय - अप.क्र. 132/2025 धारा 296, 115(2), 351(3), 118(1), 3(5) बी. एन. एस. के संबंध में।

सन्दर्भ- माननीय न्यायालय के एम.सी.आर.सी. क्र. 29212/2025 दिनांक 04.07.2025 के पालन में।

महोदय,

उपरोक्त विषयांगत संदर्भित पत्र के पालन में निवेदन है कि दिनांक 09.05.2025 को फरियादिया झापड़ीबाई पति शम्भु भाबोर जाति भील उम्र 42 साल निवासी दंबर बड़ी थाना कल्याणपुरा, मजरुह शम्भु पिता हुमा भाबोर उम्र 45 साल निवासी दंबर बड़ी तथा मजरुहा अंशु पिता महेश भाबोर उम्र 05 साल निवासी दंबर बड़ी द्वारा थाना कल्याणपुरा पर रिपोर्ट करने आने पर मजरुहों को चोट अधिक होने व रात्री का समय होने से मजरुहों का मेडीकल फार्म जारी कर तक्ताल सीएचसी कल्याणपुरा मेडीकल हेतु रवाना किया गया जहाँ से डाक्टर महोदय द्वारा मजरुहों शम्भु भाबोर तथा अंशु भाबोर को रेफर करने पर जिला अस्पताल झाबुआ ईलाज हेतु भेजा गया तथा फरियादिया झापड़ीबाई भाबोर द्वारा रिपोर्ट लिखाने पर सीएचसी कल्याणपुरा से प्राप्त एम.एल.सी. रिपोर्ट के आधार पर थाना

कल्याणपुरा पर अप. क्र. 132/2025 धारा 296, 115(2), 351(3), 118(1), 3(5) बी. एन. एस. का पंजीबद्ध कर विवेचना में लिया गया।

मजरुहों की एम.एल.सी. रिपोर्ट के आधार पर रिपोर्ट लिखी गई तथा मजरुहों को चोट अधिक होने के कारण उपचार हेतु तत्काल अस्पताल भेजा गया जिस कारण मजरुहों के फोटोग्राफ नहीं लिये जा सके और रात्री का समय होने से मजरुहों के परिवार या अन्य व्यक्ति द्वारा कोई फोटोग्राफ नहीं लिये गये और न ही डॉक्टर महोदय द्वारा कोई फोटो लिये गये।

अतः पालन प्रतिवेदन श्रीमानजी की सेवा में सादर प्रेषित है।”

(Emphasis Supplied)

6] The aforesaid report is contradictory, because on one hand the case is registered under petty sections and on the other hand it is also admitted that the injured had suffered such grievous injuries which required immediate action of the police to rush them to the hospital.

7] This Court cannot turn a blind eye to such recurring pattern adopted by the Police Officers across the State *i.e.*, firstly, even in cases in which serious injuries are caused to the complainant party, to lodge a case under petty Sections like 296, 115(2), 351(3), 118(1), 3(5) of B.N.S (294, 321, 503, 324 34 of IPC), and secondly, to issue notice under Section 41A of Cr.P.C., or grant bail immediately by religiously following the decision rendered by the Supreme Court in the case of *Arnesh Kumar Vs State of Bihar and Another*, reported as (2014) 8 SCC 273, such conduct is nothing but sheer misuse of the aforesaid decision of the Supreme Court for ulterior and illegal purposes. This is done deliberately, only with a view to give undue advantage of bail to the accused persons at the initial stage of trial, because at the subsequent stage, even if the charges are enhanced, it is always convenient for the accused persons to plead before the Court that the case was initially registered under petty offences only in which they were granted bail by the police itself, and it is only after the serious offences were added which they did not intend to commit, that he is seeking anticipatory bail.

8] In such circumstances, it is hereby directed that in all the cases of injury(ies), the Police Officer concerned as also the doctors treating the injured, shall take photographs of the injured person(s), highlighting the injury(ies), so that the Court can also make up its mind as to the nature of injuries and any foul play played by the parties.

9] Let this order be complied with by all the Police Personnel and doctors alike, in all the criminal cases.

10] Let a copy of this order be sent to the Director General of Police, M.P., Bhopal, for its proper circulation and compliance.

11] A copy of this order be also sent to the Office of the Advocate General for its compliance.

(SUBODH ABHYANKAR)
JUDGE