



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 22nd OF MAY, 2026

MISC. CRIMINAL CASE No. 24352 of 2026

SAMARTH SINGH

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Mrigendra Singh - Senior Advocate with Shri Saurabh Sunder - Advocate for the applicant through V.C.

Shri Tushar Mehta - Solicitor General through V.C. with Shri Prashant Singh - Advocate General with Shri H.S. Ruprah - Additional Advocate General for the State and Shri Amit Pandey & Shri A.S. Baghel - Govt. Advocate for the State.

ORDER

This is the first bail application filed by applicant under Section 482 of the Bhartiya Nagrik Surksha Sanhita, 2023 for grant of anticipatory bail relating to Crime No.133/2026, registered at Police Station- Katara Hills District Bhopal (MP) for the offence under Sections 80(2), 85, 3(5) of BNS, 2023.

2. At the outset, learned Senior Counsel appearing for the applicant seeks withdrawal of this application with liberty to surrender before the trial Court and file regular bail application before the trial Court and pray that trial Court should dispose of this application on the same day.

3. Prayer made by learned senior counsel appearing for the applicant is strongly opposed by the Shri Tushar Mehta - Learned Solicitor General and Shri Prashant Singh, Learned Advocate General for the State.

4. Heard learned counsel for the parties.

5. This Court is of the view that correct procedure in such type of cases is that accused if he apprehends torture at the hands of police then he may surrender



before the trial Court or otherwise before Investigating Officer. If he surrenders before the Investigating Officer then he may formally arrest as per prevailing law. Since Police has a right to interrogate the accused for 24 hours and within 24 hours police shall produce the accused before the competent court and either seek judicial custody of the accused or the police custody and in the reverse case if accused surrenders before the trial Court or the remand Court when the charge sheet is not filed then the Court is bound to send a copy of the surrender application to the concerned SHO who shall produce the case diary and make appropriate application in this regard, therefore, this MCRC is disposed off as withdrawn with liberty to accused to surrender before the trial Court and file regular bail application and trial Court shall follow the procedure as indicated above in the order or if he surrenders before the Investigating Officer of this case in Katara Hills Police Station, Bhopal then he (Investigating Officer) shall also conduct proceedings as per the law.

6. With the aforesaid directions, this MCRC is **disposed off**.

Certified copy as per rules.

(AVANINDRA KUMAR SINGH)
V. JUDGE

AD/