



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 1ST OF JULY, 2026

CRIMINAL REVISION No. 1443 of 2026

BABLU ALIAS ARVIND DUBEY

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Sankalp Kochar and Shri Siddhant Kochar, Advocates for petitioner.

Shri Ritesh Sharma, Panel Lawyer for respondent-State.

ORDER

This criminal revision has been preferred by the petitioner/accused challenging the order dtd. 23.02.2026 passed by Judicial Magistrate First Class, Hata, District Damoh in RCT No. 355/2012 whereby the JMFC has dismissed petitioner's application dtd. 17.06.2025 filed for grant of default bail under Section 187(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS').

2. Learned counsel for the petitioner submits that since the petitioner was absconding, therefore, the police submitted challan/charge-sheet against other co-accused on 05.07.2017 and upon conclusion of trial the judgment was passed on 05.03.2022 in S.T. No. 365/2012 whereby co-



accused Rajendra and Vinay were convicted under Section 307 of the Indian Penal Code, 1860 (in short 'IPC') and were sentenced for Rigorous imprisonment of 5 years, whereas co-accused Bhupendra @ Bhupa, Sudama and Kailash were convicted under Section 307 IPC and were sentenced for Rigorous imprisonment of 5 years. He submits that thereafter the petitioner was arrested and produced before the Court/JMFC on 18.03.2025, and upon a request made by the respondent/State, the remand was ordered by the court on 18.03.2025 and thereafter on so many occasions prayer was made on behalf of the respondent/State to file supplementary charge sheet, which is also clear from the order sheet dtd. 06.08.2025 drawn by 3rd Additional Sessions Judge, Hata, District Damoh in S.T. No.16/2025. He also submits that in spite of granting several opportunities, the respondent/State has not filed supplementary challan/charge sheet so far and the JMFC while passing the impugned order and while deciding the application dtd. 17.06.2025, has not taken care of the submissions/ground no. 6 & 7 taken in the application and the effect of non-filing of supplementary charge sheet, especially in the light of decisions in the case of *Dinesh Dalmia v. CBI*, **(2007) 8 SCC 770**; *Central Bureau of Investigation v. Kapil Wadhawan And Another*, **(2024) 3 SCC 734**; *Pankaj s/o Sundarlal Yadav v. The State of Maharashtra*,



through P.S.O., P.S. Gondia And Anr., **2016 SCC OnLine Bom 16425 = 2016 Supreme (Bom) 2034**; Sunil Vitthal Wagh v. State of Maharashtra through Senior Inspector Pandharpur- City Police Station, **2024 Supreme (Online) (Bom) 6865 = (2025) 2 MhLJ (Cri) 164** and in the case of Shaikh Hussain alias Lakhan Shaikh Ibrahim and another v. State of Maharashtra given by Nagpur Bench of Bombay High Court in **Criminal Application (APL) No. 839 of 2017**. He also submits that after seeking remand of the petitioner/accused and after granting so many opportunities to the respondent/State, it was required to file supplementary challan/charge sheet necessarily and since it was not filed, therefore, the petitioner was entitled for default bail. He further submits that the document filed on 05.07.2017, though bearing the heading “Supplementary Challan/Charge-sheet”, cannot be treated as Supplementary charge-sheet in the eyes of law, as it is merely in the nature of a letter and is not in the format of a final report as contemplated under Section 173 CrPC/Section 193 BNSS. With these submissions, he prays for allowing the criminal revision.

3. Learned counsel appearing for the respondent/State supports the impugned order on the ground that since challan was filed on 05.07.2017, although in abscondence of the present petitioner-Bablu and only the



petitioner was required to be arrested, therefore, there is no necessity to file supplementary challan/charge sheet especially in the light of letter dtd. 29.05.2025 written by Sub-Inspector-Shesh Kumar Dubey, Police Station-Batiyagarh. With these submissions, he prays for dismissal of the criminal revision.

4. Heard learned counsel for the parties and perused the record.

5. Perusal of original record shows that originally, the first charge-sheet was filed on 22.12.2012, in which, out of six accused, three were shown as arrested accused, whereas the remaining three accused, namely, Bablu, Vinay and Rajendra, were shown as absconding. It was further mentioned therein that investigation in respect of the absconding accused persons was continuing/ongoing under Section 173(8) of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'). Thereafter, upon the arrest of accused Rajendra, a supplementary charge-sheet was filed on 09.03.2015 against the accused Rajendra. Subsequently, another supplementary charge-sheet dtd. 01.07.2017 was filed, wherein the Police stated that, the accused Vinay Dubey is arrested and in custody of court, against whom a supplementary challan is presented before the court and in the present case, it has been duly established that accused Bablu @ Arvind, son of Late Krishna Dubey, aged 29 years, resident of Village Tindua,



Police Station Batiyagarh, committed offences punishable under Sections 147, 148, 149 and 307 of the IPC and Sections 25/27 of the Arms Act, 1959. However, his arrest is yet to be effected, as he has been absconding since the date of the incident. Every possible effort has been made to apprehend the accused, but his arrest could not be secured, nor is there any likelihood of his arrest in the near future. Accordingly, a charge-sheet against the absconding accused, Bablu @ Arvind, has been prepared under Section 299 of the Cr.P.C. and that only his arrest remained, the investigation having already been completed.

6. After the arrest of the present accused Bablu, the investigation officer sought permission from the Court to record his custodial statements and the same was granted on 06.08.2025 and, on various occasions, sought time for filing a supplementary charge-sheet which is clear from order sheet dtd. 06.08.2025 drawn by 3rd Additional Sessions Judge, Hata, District Damoh in S.T. No.16/2025, however, failed to file any supplementary charge-sheet after the arrest of accused Bablu @ Arvind Dubey.

7. In the aforesaid factual background, the question that arises for consideration is as follows:

Whether where a charge-sheet has already been filed during the abscondence of an accused, the filing of a supplementary charge-



sheet upon his subsequent arrest is mandatory or it is only discretion of an investigating agency and if such a supplementary charge-sheet is not filed within a period of 60 or 90 days , as the case may be, prescribed under Section 167 of the Code of Criminal Procedure (corresponding to Section 187 of the BNSS), whether the accused becomes entitled to statutory/default bail ?

8. In the case of *Dinesh Dalmia v. CBI, (2007) 8 SCC 770*, the

Hon'ble Supreme court held as under:

“19. A charge-sheet is a final report within the meaning of sub-section (2) of Section 173 of the Code. It is filed so as to enable the court concerned to apply its mind as to whether cognizance of the offence thereupon should be taken or not. The report is ordinarily filed in the form prescribed therefor. One of the requirements for submission of a police report is whether any offence appears to have been committed and, if so, by whom. In some cases, the accused having not been arrested, the investigation against him may not be complete. There may not be sufficient material for arriving at a decision that the absconding accused is also a person by whom the offence appears to have been committed. **If the investigating officer finds sufficient evidence even against such an accused who had been absconding, in our opinion, law does not require that filing of the charge-sheet must await the arrest of the accused.**

.....

36. In *Dawood Ibrahim Kaskar* [(2000) 10 SCC 438 : 1997 SCC (Cri) 636] this Court held: (SCC p. 446, para 11)

“11. There cannot be any manner of doubt that the remand and the custody referred to in the first proviso to the above sub-section are different from detention in custody under Section 167. While remand under the former relates to a stage after cognizance and can only be to judicial custody, detention under the latter relates to the stage of investigation and can initially be either in police custody or judicial custody. Since, however, even after cognizance is taken of an offence the police has a power to investigate into it further, which can be exercised only in accordance with Chapter XII, we see no reason whatsoever why the provisions of Section 167 thereof would not apply to a person who comes to be later arrested by the police in course of such investigation. If Section 309(2) is to be interpreted—as has been interpreted by the Bombay High Court in *Mansuri [Mohd. Ahmed Yasin Mansuri v. State of Maharashtra, 1994 Cri LJ 1854 (Bom)]*—to mean that after the court takes cognizance of an offence it cannot exercise its power of detention in police custody under Section 167 of the Code, the investigating agency would be deprived of an opportunity to interrogate a person arrested during further investigation, even if it can on production of sufficient materials, convince the court that his detention in its (police) custody was essential for that purpose. We are therefore of the opinion that the words ‘accused if in custody’ appearing in Section 309(2) refer and relate to an accused who was before the court when cognizance was taken or when enquiry or trial was being held in respect of him and not to an accused who is subsequently arrested in course of further investigation. So far as the accused in the first category is concerned he can be remanded to judicial custody only in view of Section 309(2), but he who comes under the second category will be governed by Section 167 so long as further investigation continues. That necessarily means that in respect of the latter the court which had taken cognizance of the offence may exercise its power to detain him in police custody, subject to the fulfilment of the requirements and the limitation of Section 167.”



37. We had noticed the dicta of the Constitution Bench judgment of this Court. At this juncture, we may notice the dicta laid down by this Court in *Sanjay Dutt v. State (II)* [(1994) 5 SCC 410 : 1994 SCC (Cri) 1433] wherein it was held: [SCC p. 444, para 53(2)(b)]

“53. (2)(b) The ‘indefeasible right’ of the accused to be released on bail in accordance with Section 20(4)(bb) of the TADA Act read with Section 167(2) of the Code of Criminal Procedure in default of completion of the investigation and filing of the challan within the time allowed, as held in *Hitendra Vishnu Thakur [Hitendra Vishnu Thakur v. State of Maharashtra, (1994) 4 SCC 602 : 1994 SCC (Cri) 1087]* is a right which enures to, and is enforceable by the accused only from the time of default till the filing of the challan and it does not survive or remain enforceable on the challan being filed. If the accused applies for bail under this provision on expiry of the period of 180 days or the extended period, as the case may be, then he has to be released on bail forthwith. The accused, so released on bail may be arrested and committed to custody according to the provisions of the Code of Criminal Procedure. The right of the accused to be released on bail after filing of the challan, notwithstanding the default in filing it within the time allowed, is governed from the time of filing of the challan only by the provisions relating to the grant of bail applicable at that stage.”

38. It is a well-settled principle of interpretation of statute that it is to be read in its entirety. Construction of a statute should be made in a manner so as to give effect to all the provisions thereof. Remand of an accused is contemplated by Parliament at two stages; pre-cognizance and post-cognizance. Even in the same case, depending upon the nature of charge-sheet filed by the investigating officer in terms of Section 173 of the Code, a cognizance may be taken as against the person against whom an offence is said to have been made out and against whom no such offence has been made out even when investigation is pending. So long a charge-sheet is not filed within the meaning of sub-section (2) of Section 173 of the Code, investigation remains pending. It, however, does not preclude an investigating officer, as noticed hereinbefore, to carry on further investigation despite filing of a police report, in terms of sub-section (8) of Section 173 of the Code.

39. The statutory scheme does not lead to a conclusion in regard to an investigation leading to filing of final form under sub-section (2) of Section 173 and further investigation contemplated under sub-section (8) thereof. **Whereas only when a charge-sheet is not filed and investigation is kept pending, benefit of proviso appended to sub-section (2) of Section 167 of the Code would be available to an offender; once, however, a charge-sheet is filed, the said right ceases. Such a right does not revive only because a further investigation remains pending within the meaning of sub-section (8) of Section 173 of the Code.”**

9. In the case of *Vinubhai Haribhai Malaviya v. State of Gujarat,*

(2019) 17 SCC 1, the Hon’ble Apex court held as under:

“33. In *Samaj Parivartan Samudaya [Samaj Parivartan Samudaya v. State of Karnataka, (2012) 7 SCC 407 : (2012) 3 SCC (Cri) 365]*, a three-Judge Bench of this Court, while dealing with illegal mining in Andhra Pradesh and Karnataka, issued directions to CBI to investigate the entire matter (despite private complaints already pending and being investigated by one or other competent court or investigation agency), as a Central Empowered Committee Report disclosed fresh facts as to illegal mining in these States. In a review of the machinery of criminal investigations under CrPC, this Court held : (SCC pp. 421-23, paras 27, 29-31 & 37)

“27. Once the investigation is conducted in accordance with the provisions of CrPC, a police officer is bound to file a report before the court of competent jurisdiction, as contemplated under Section 173 CrPC, upon which the Magistrate can proceed to try



the offence, if the same were triable by such court or commit the case to the Court of Session. **It is significant to note that the provisions of Section 173(8) CrPC open with non obstante language that nothing in the provisions of Sections 173(1) to 173(7) shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate. Thus, under Section 173(8), where charge-sheet has been filed, that court also enjoys the jurisdiction to direct further investigation into the offence.** (Ref. *Hemant Dhasmana v. CBI* [*Hemant Dhasmana v. CBI*, (2001) 7 SCC 536 : 2001 SCC (Cri) 1280] .) This power cannot have any inhibition including such requirement as being obliged to hear the accused before any such direction is made.

* * *

29. While the trial court does not have inherent powers like those of the High Court under Section 482 CrPC or the Supreme Court under Article 136 of the Constitution of India, such that it may order for complete reinvestigation or fresh investigation of a case before it, however, it has substantial powers in exercise of discretionary jurisdiction under Sections 311 and 391 CrPC. In cases where cognizance has been taken and where a substantial portion of investigation/trial has already been completed and where a direction for further examination would have the effect of delaying the trial, if the trial court is of the opinion that the case has been made out for alteration of charge, etc. it may exercise such powers without directing further investigation. (Ref. *Sasi Thomas v. State* [*Sasi Thomas v. State*, (2006) 12 SCC 421 : (2007) 2 SCC (Cri) 72] .)

30. Still in another case, taking the aid of the doctrine of implied power, this Court has also stated that an express grant of statutory power carries with it, by necessary implication, the authority to use all reasonable means to make such statutory power effective. Therefore, absence of statutory provision empowering the Magistrate to direct registration of an FIR would not be of any consequence and the Magistrate would nevertheless be competent to direct registration of an FIR. (Ref. *Sakiri Vasu v. State of U.P.* [*Sakiri Vasu v. State of U.P.*, (2008) 2 SCC 409 : (2008) 1 SCC (Cri) 440])

31. Thus, CrPC leaves clear scope for conducting of further inquiry and filing of a supplementary charge-sheet, if necessary, with such additional facts and evidence as may be collected by the investigating officer in terms of sub-sections (2) to (6) of Section 173 CrPC to the court. To put it aptly, further investigation by the investigating agency, after presentation of a challan (charge-sheet in terms of Section 173 CrPC) is permissible in any case impliedly but in no event is impermissible.

* * *

37. We may notice that the investigation of a case or filing of charge-sheet in a case does not by itself bring the absolute end to exercise of power by the investigating agency or by the court. Sometimes and particularly in the matters of the present kind, the investigating agency has to keep its options open to continue with the investigation, as certain other relevant facts, incriminating materials and even persons, other than the persons stated in the FIR as accused, might be involved in the commission of the crime. The basic purpose of an investigation is to bring out the truth by conducting fair and proper investigation, in accordance with law and ensure that the guilty are punished.”

10. Further in the case of *CBI v. Rathin Dandapat*, (2016) 1 SCC 507,

the Hon’ble Supreme Court held as under:

“12. The case of *Dinesh Dalmia v. CBI* [(2007) 8 SCC 770 : (2008) 1 SCC (Cri) 36] , which is relied upon by the High Court, relates to granting of bail under Section 167(2) CrPC. In the said case, the absconder-accused (*Dinesh Dalmia*) after his arrest was produced before the Magistrate, and on the request of CBI, police custody was granted on



14-2-2006 till 24-2-2006, whereafter on another application further police custody was granted till 8-3-2006. **The said accused was remanded to judicial custody, and the accused sought statutory bail under sub-section (2) of Section 167 CrPC as no charge-sheet was filed against him by CBI within sixty days of his arrest. The Magistrate rejected the application for statutory bail on the ground that it was a case of further investigation after filing of the charge-sheet, and the remand of the accused to judicial custody was under Section 309 CrPC, after police remand came to an end, granted under Section 167(2) CrPC. The High Court upheld the said order and this Court also affirmed the view taken by the High Court.**

13. In view of the above facts, in the present case, in our opinion, the High Court is not justified on the basis of *Dinesh Dalmia* [(2007) 8 SCC 770 : (2008) 1 SCC (Cri) 36] in upholding the refusal of remand in police custody by the Magistrate, on the ground that the accused stood in custody after his arrest under Section 309 CrPC. We have already noted above the principle of law laid down by the three-Judge Bench of this Court in *State v. Dawood Ibrahim Kaskar* [(2000) 10 SCC 438 : 1997 SCC (Cri) 636] that police remand can be sought under Section 167(2) CrPC in respect of an accused arrested at the stage of further investigation, if the interrogation is needed by the investigating agency. This Court has further clarified in the said case that the expression “accused if in custody” in Section 309(2) CrPC does not include the accused who is arrested on further investigation before supplementary charge-sheet is filed.”

11. Undisputedly, in the first charge-sheet filed on 22.12.2012 the name of the petitioner-Bablu is shown as absconded accused with ‘red ink’. Subsequently, a supplementary chargesheet was filed against the accused Rajendra on 09.03.2015 and finally another supplementary charge-sheet dtd. 01.07.2017 was filed, in which it is clearly mentioned by investigating officer that against the petitioner-Bablu, arrest is only remained and there is no possibility of arrest of accused- Bablu in near future, so a challan is prepared against Bablu in abscondence under Section 299 CrPC. It is clear from this supplementary challan dtd. 01.07.2017, which is available on record, that supplementary challan against the petitioner-Bablu, filed during his abscondence was validly filed. Although in the charge-sheets filed on earlier occasions i.e. on 22.12.2012 and 09.03.2015, the police kept the investigation open under 173(8) CrPC but on 05.07.2017 the police has filed the supplementary charge-sheet against the petitioner-Bablu and Vinay thereby concluding the investigation,



which were kept open vide previous charge-sheets dtd.22.12.2012 and 09.03.2015.

12. In the similar facts and circumstances, a Division Bench of High Court of Punjab and Haryana in the case of National Investigation Agency v. Gurwinder Singh @ Baba, **2023 Supreme(P&H) 1659 = 2024 1 RCR(Cri) 277**, held as under:

“7. A reading of the above extracted paragraphs, do imminently reveal, that the filing of a charge-sheet, even against an absconding accused, does thereby tantamount to the investigation(s), in respect of the relevant FIR, thus becoming concluded, but it is also expostulated therein that thereby, the investigating officer concerned, is not precluded, to carry further investigation(s), thus in terms of Sub Section (8) of Section 173 of the Cr.P.C.

8. As a sequel to the above made conclusions, it became ultimately concluded in paragraph No. 29, of the verdict (supra), that only, when a charge-sheet is not filed, and the investigation(s), are pending, thereupon, only the benefit of the proviso appended, to Sub Section (2) of Section 167 Cr.P.C., **thus would be available to an offender, but when a charge-sheet is filed rather the said right ceases.**

9. Furthermore, it is also expostulated therein, that the said right, does not revive only because further investigation(s) remain pending, thus within the meaning of Sub Section (8) of Section 173 of the Cr.P.C.

10. The result of the above made expostulations, in verdict (supra) rendered by the Hon'ble Apex Court, insofar as they relate, to the facts of the instant case, are that since on 16.12.2021, a charge-sheet became filed against the absconding accused, thus the availment of the statutory privilege of further investigation(s), by the investigating officer, did not enable the private respondent concerned, to claim the benefit of default bail, as contemplated in Section 167 (2) Cr.P.C., nor the learned trial Judge concerned, was thereby well enabled to grant, the said statutory benefit to the private respondent.

11. Furthermore, the date of the filing of the charge-sheet i.e. 16.12.2021, thus is the relevant date for computing, whether the private respondent, is entitled to become endowed with the benefit of default bail rather in terms of Section 167(2) Cr.P.C., irrespective of his remaining under absconsion.

12. Moreover, when he became arrested on 25.08.2022 Consequently, when the investigation(s) were closed on the filing of a charge-sheet against the absconding respondent. Therefore, from the said date, the period of 90 days is to be counted but irrespective of the accused being arrested subsequently, given his earlier to his becoming arrested, rather remaining under absconsion.

13. Moreover, the availment of any statutory privilege by the investigating officer concerned, thus to carry further investigation(s), did not confer, upon the private respondent, any privilege, that thereby the investigation(s), had not ceased nor could he claim a benefit, that thereby there was revival of the investigation(s).”

13. In the case of **Majahar Khan v. The State of Madhya Pradesh through Police station hatta district damoh in MCRC No. 25878 of 2023** which is affirmed upto the Hon'ble Supreme court vide **SLP (Crl.) 6566/2024** dtd. 06.05.2024, a coordinate bench of this court held as under:



“5. It is not disputed at the Bar that charge sheet was filed against various co-accused including petitioner during period of his absconsion on 12.06.2019. The supplementary charge sheet filed after arrest of petitioner was solely based on evidence and material collected during custodial interrogation of petitioner.

5.1 Since charge sheet had originally been filed as early as on 12.06.2019 during state of absconsion of petitioner, it goes without saying that benefit of default bail cannot be made available to petitioner in the given facts and circumstances of the case.”

14. In the present case it is clear that in charge-sheet filed on 22.12.2012 the name of accused (Bablu) shown as absconding and later on a supplementary chargesheet was filed against the accused by police invoking S.299 CrPC on 05.07.2017, so the contention of the learned counsel for the petitioner that no charge-sheet was filed against petitioner even after expiry of 90 days of arrest is unsustainable as document dtd.01.07.2017 bearing heading supplementary Challan is available on record and further, by order dated 05.07.2017, the Trial Court took on record the charge-sheet filed on 05.07.2017. It is true that, in the operative portion of the order dated 05.07.2017, the Trial Court specifically referred only to the name of co-accused Vinay. However, in my considered opinion the mere omission to mention the name of accused Bablu in the said order does not lead to the conclusion that no supplementary charge-sheet was filed against him. Once the supplementary charge-sheet dtd.01.07.2017 forms part of the record of the Trial Court, it cannot be held that no supplementary charge-sheet was filed against accused Bablu. The omission of the Trial Court to specifically refer to the name of accused-Bablu in the order dtd. 05.07.2017 does not detract from the existence or filing of the supplementary charge-sheet against him.

15. It is pertinent to note that, on an earlier occasion, a Criminal Revision No. 4625/2025 was preferred before this Court, wherein vide order dtd. 23.01.2026 the matter was remanded to the learned Trial Court for the limited purpose of ascertaining whether a charge-sheet had been



filed against the accused, Bablu @ Arvind Dubey, on 05.07.2017. Pursuant to the said remand, the learned JMFC, by order dtd. 23.02.2026, recorded a categorical finding, upon verification of the record, that the charge-sheet against the said accused had been filed on 05.07.2017. In the present proceedings also, this Court called for the original record of the Court below to verify the said factual aspect. Upon perusal of the original record, it is found that the charge-sheet dated 01.07.2017 is available on record.

16. The second contention of the learned counsel for the petitioner that even after arrest the police sought time to file supplementary charge-sheet and later on failed to file any supplementary chargesheet, thereby, making accused entitled to default/statutory bail is also unsustainable in the light of decisions of Hon'ble Supreme court in the case of Dinesh Dalmia (**supra**); Vinubhai Haribhai Malaviya (**supra**) and Rathin Dandapat (**supra**) as once the charge-sheet dtd. 01.07.2017 was filed the investigation held to be concluded and although the Investigating Agency sought time on several occasions to file a supplementary charge-sheet after the arrest of the petitioner, however, this act of seeking time to file supplementary charge-sheet after his arrest is merely a part of further investigation under Section 173(8) of the Code of Criminal Procedure. It is well settled that further investigation may continue even after the filing of the charge-sheet under Section 173(2) CrPC. Such further investigation is discretionary in nature, ordinarily a supplementary charge-sheet is filed after the arrest of accused but there is no statutory mandate requiring the Investigating Agency to invariably file a supplementary charge-sheet upon the arrest of an accused against whom a charge-sheet had already been filed in abscondence. Therefore, merely because the Investigating Agency sought time to conduct further investigation or did not file a supplementary



charge-sheet after the arrest of the petitioner, it cannot be inferred that the investigation remained incomplete making accused entitled for default bail. From the aforesaid discussion, it is clear that where a charge-sheet has already been filed against an accused during his abscondence, it is not mandatory for the Investigating Agency to further file a supplementary charge-sheet after his subsequent arrest.

17. In the instant case it is established that a charge-sheet was filed against the accused during his abscondence on 05.07.2017, thereby, the indefeasible right of accused to default bail provided under S.167 CrPC/S.187 BNSS extinguished on filing of this charge sheet dtd. 01.07.2017.

18. In view of the aforesaid, in my considered opinion, the impugned order dtd. 23.02.2026 rejecting default bail to the petitioner-Bablu does not suffer from any illegality. The petitioner is not entitled for grant of default /statutory bail provided under Section 167 CrPC/ 187 BNSS. The decisions relied upon by the learned counsel for the petitioner in the case of Dinesh Dalmia (**supra**); Kapil Wadhawan (**supra**); Pankaj (**supra**); Sunil Vitthal (**supra**) and Shaikh Hussain (**supra**) do not provide any help to the petitioner as in the case of Dinesh Dalmia (**supra**) and Kapil Wadhawan (**supra**) the Hon'ble Apex court held the that benefit of default bail is available to the accused only when the charge-sheet is not filed and investigation is kept pending against the accused and in the instant case the police has filed charge-sheet during abscondence and the act of police seeking time to file supplementary charge-sheet constitute the case of further investigation under S. 173(8) CrPC. The decisions of Hon'ble High Court of Bombay in the cases of Pankaj (**supra**); Sunil Vitthal (**supra**) and



Shaikh Hussain (**supra**) are distinguishable on facts and also do not provide any help to the petitioner.

19. As a result of the aforesaid, this criminal revision is **dismissed**.

20. Pending application(s), if any, shall stand disposed of.

21. Registry is directed to send back the record of the Court below immediately.

(DWARKA DHISH BANSAL)
JUDGE

KPS