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Cr.A. NO. 5816/2026

**IN THE HIGH COURT OF MADHYA
PRADESH**

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

Cr.A. NO. 5816/2026

DHARMENDRA

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Kaushal Sisodiya, counsel for the appellants.

Shri Ambuj Patel, counsel for the respondent No.1/State.

Shri Pankaj Vishwakarma, counsel for the respondent No.2.

Reserved on: 23.07.2026

Post on : 27.07.2026

ORDER

1. This Criminal Appeal has been preferred under Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellants challenge the impugned order



dated 30/06/2026 passed by the Special Judge, SC/ST (POA) Act, District Dhar in SC ATR No. 77/2026. By the said impugned order, the prayer for bail of the appellants in connection with offences punishable under Section 108 of the Bharatiya Nyaya Sanhita (BNS) and Section 3(2)(v) of the SC/ST Act was rejected.

FACTS IN BRIEF

2. The prosecution case is that Assistant Sub-Inspector Suresh Singh Kushwaha of Badnawar police station received case number 49/26 under Section 194 of the BNSS for investigation. During the inquest, preliminary proceedings were conducted regarding the deceased Santosh alias Lakhan, son of Bhuralal Ausari, aged 25 years, a resident of village Jharipada, belonging to the Bhil caste.
3. The post-mortem of the deceased was conducted by a panel doctor team, which recorded the cause of death as “Asphyxia brought out as the result of Postmortem Hunger”. Statements of the deceased's father, Bhuralal Ausari, and brother, Bhima Ausari, were recorded, wherein it was stated that appellants Karan (son of Chunnilal Jat), Dharmendra (son of Babulal Jat), and Umesh (son of Mahesh Jat) used to threaten, abuse, insult, and harass the deceased with death threats over an old agricultural land dispute.
4. It is alleged that, frightened and saddened by the abuse and threats, the deceased hanged himself. A Panchnama of the deceased's



mobile phone was prepared in front of the Panchanas, which revealed that on 07.05.2026, the deceased sent three WhatsApp messages to his father's mobile number. The exact text was found to be “Papa maryu 10.52 PM, karna hai Umesh Darmendr, 10.53 PM, 3no, 10.53 PM”. Based on the postmortem report, witness statements, and WhatsApp messages, a crime was registered against the appellants and taken into investigation.

CONTENTIONS OF THE APPELLANT

5. The appellants contend that they have no connection with the offence, have no role in the crime, and have been falsely implicated solely due to enmity. It is argued that the statement of the deceased's father, Bhuralal, does not mention any WhatsApp-related statement, which inherently makes the prosecution story doubtful. Furthermore, the non-submission of the mobile-related CAF form along with the charge sheet is cited as a ground to doubt the prosecution's case.
6. The appellants further submit that the Panchnama related to the viewing of the mobile phone indicates friendly relations between appellant Umesh and the deceased, and the absence of any old land-related dispute in the said Panchnama, coupled with the non-submission of any land dispute documents, weakens the prosecution story. It is asserted that the complainants are taking advantage of



their caste to conspire against the appellants. The appellants state they are permanent residents of District Dhar with movable and immovable property, pose no flight risk, will fully cooperate with the trial, and are ready to abide by any conditions imposed by this Court.

CONTENTIONS OF THE STATE

7. The State has vehemently opposed the appeal and the prayer for bail. Objections were raised against the release of the appellants on the ground of the material collected during the investigation and the nature of the allegations leveled against them.

ANALYSIS AND CONCLUSION

8. Heard the parties and perused record available.
9. The appellate jurisdiction under Section 14(A) of the SC/ST (Prevention of Atrocities) Act requires this Court to examine the legality, propriety, and correctness of the order passed by the Special Court rejecting the bail. The scrutiny is limited to assessing the material on record to determine whether the denial of bail by the court below was justified under the facts and circumstances of the case.
10. This court perused the case diary meticulously. The record, including the post-mortem report, the statements of the witnesses,



and the mobile WhatsApp messages recovered during the investigation, has been evaluated in light of the submissions made by both parties. The post-mortem report prepared by the panel doctor team indicates the cause of death as “Asphyxia brought out as the result of Postmortem Hunger”, establishing the unnatural nature of the deceased's death.

11.A critical piece of evidence produced by the prosecution is the Panchnama related to the deceased's mobile phone. The record reflects that shortly before his death, the deceased sent three WhatsApp messages to his father's mobile number.

The exact text recovered from the device reads: “Papa maryu 10.52 PM, karna hai Umesh Darmendr, 10.53 PM, 3no, 10.53 PM”. This electronic evidence serves as a crucial prima facie dying declaration explicitly naming the appellants.

12.Furthermore, the statements of the deceased's father, Bhuralal Ausari, and brother, Bhima Ausari, recorded during the investigation, corroborate the prosecution's narrative. Both witnesses have categorically stated that the appellants systematically threatened, abused, and insulted the deceased over an old agricultural land dispute, subjecting him to continuous death threats which allegedly drove him to end his life.

13.The appellants have heavily relied on the non-submission of the mobile CAF form, the absence of documentary proof regarding the



land dispute, and alleged friendly relations between appellant Umesh and the deceased to cast doubt on the prosecution story. However, it is a settled principle of law that at the stage of considering a bail application, the court is not required to conduct a mini-trial or weigh the evidence meticulously. These defenses are matters of trial and must be tested during the course of evidence.

14. Looking into the case as a whole, including the specific naming of the appellants in the contemporaneous WhatsApp messages and the supportive statements of the immediate family members regarding continuous harassment, a strong prima facie case is made out against the appellants. Therefore, the evidentiary defenses and grounds raised by the appellants do not inspire sufficient confidence to grant the relief of bail at this stage.

15. Consequently, the contention of the appellants seeking bail deserves rejection. The impugned order dated 30/06/2026 passed by the Special Judge, SC/ST (POA) Act, District Dhar, is found to be appropriate. Bail is **rejected**.

16. The Criminal Appeal is **dismissed**. The prayer for bail stands rejected. The appeal is accordingly disposed of.

(Jai Kumar Pillai)
Judge

NEUTRAL CITATION NO. 2026:MPHC-IND:20619



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Arun/-