



1

MCRC-3689-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RATNESH CHANDRA SINGH BISEN

ON THE 3rd OF SEPTEMBER, 2026MISC. CRIMINAL CASE No. 3689 of 2026*VICTIM A**Versus*

DS

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Appearance:

Shri Ashish Tiwari - Advocate for the applicant/victim.

Shri Jitendra Prasad Gautam - Advocate for the respondent No.1.

Shri Amit Garg - Panel Lawyer for the respondent No.2/State.

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ORDER

Applicant/victim has filed this application under Section 483(2) of BNSS, seeking cancellation of the bail granted by this Court to respondent No.1- DS vide order dated 01.09.2025 passed in M.Cr.C. No.36396/2025, subject to the conditions prescribed under Section 480(3) of the BNSS.

2. It is submitted that, after being released on bail, respondent No.1 violated the conditions of bail and misused the liberty granted by this Court. It is further submitted that applicant by force violated the privacy of the victim and sent videos to her in-laws, (mother in law, father in law and sister in law). Learned counsel for the applicant submits that he has filed some whatsapp chat including video and messages and photographs that which has been sent to her in laws by creating a fake ID in the name of 'Sofi' and



'Sofia'. It is also submitted that he is pressurizing the victim for giving statement in his favour. It is further submitted that she has filed a written complaint to the Superintendent of Police, Satna but no action has been taken. Her brother has also filed a complaint in CM helpline. Therefore, there is a possibility that he may threaten or influence the prosecution witnesses and interfere with a fair trial. It is also submitted that the offence is under the 376 and 506 of IPC and the victim is of a young age and a married woman. In these circumstances, it is prayed that the bail granted to respondent No.1 be cancelled and he be taken into custody.

3. On the other hand, learned counsel appearing for respondent No.1 submitted that respondent No.1 is innocent and has been falsely implicated in the case. It is further submitted that respondent No.1 has not violated any of the conditions imposed by this Court while granting bail. It is also submitted that applicant has sent chat and videos to her in laws, this fact has already been discussed while granting bail and she has filed a complaint before SP while it should be filed first before SHO and when any action has not been taken by the SHO then it should be filed before SP. It is also submitted the respondent No.1 has also filed a complaint regarding lost of his mobile bearing and before the Police Station , Kotwali , Satna. It is further submitted that verification of the chats filed by the application should also be verified whether the said ID is of respondent No. 1 or not? Therefore, it is prayed that the application for cancellation of bail be dismissed.

4. Learned counsel for the State also submits that, as per Document



A/3, pertaining to the CM Helpline complaint, it appears that on 16 December 2025, the complainant and the accused had entered into a compromise. It was found that a dispute existed between the parties, whereupon the officer of the CM Helpline counselled and explained the matter to both parties. Thereafter, the complainant expressed his/her satisfaction with the resolution of the dispute.

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

6. As regards the contention advanced on behalf of Respondent No. 1 that Respondent No. 1 had misplaced his mobile phones bearing SIM Nos. and , the said contention does not come to the aid of Respondent No. 1. No document or other material has been produced to establish that Respondent No. 1 informed the concerned mobile service provider about the loss of the SIM cards or requested that their use be discontinued. In the absence of any such intimation, the possibility of misuse of the said SIM cards by any other person cannot be ruled out. However, upon perusal of the documents on record, the contention that the said mobile phone was found by another person, who thereafter used it to send photographs and videos to the in-laws of Respondent No. 1 through WhatsApp chats, appears highly improbable and difficult to accept.

7. Having considered the submissions made by learned counsel for the parties, this Court finds substance in the submissions made on behalf of the applicant/victim. Looking to the allegations that after releasing on bail the applicant has violated the privacy of the victim and sent videos to her in-laws, (mother in law, father in law and sister in law), *prima facie* there



appears to be serious violation of the conditions imposed by this Court while granting bail. Such conduct may also affect the dignity and privacy of the victim and may create a possibility of influencing the prosecution witnesses. The protection of the identity and dignity of a victim in a case under the 376 , 506 of IPC is of great importance. A person released on bail is required to strictly follow the conditions imposed by the Court and must not misuse the liberty granted to him. In the present case, the material placed before the Court shows that respondent No.1 has misused the liberty of bail by pressurizing the victim to give statement in his favour. Such conduct cannot be permitted to continue, particularly when the same adversely affects the fairness of the trial. Such allegations, if established from the material placed on record, directly relate to the conditions imposed upon respondent No.1 while granting bail and raise a serious apprehension of influencing the complainant and prosecution witnesses.

8. The present case concerns the subsequent conduct of respondent No.1 and the alleged misuse of the liberty granted to him. The power under Section 483(2) of the BNSS is being exercised not merely on the basis of the allegations constituting the original offence, but on account of the alleged violation of the conditions of bail and the apprehension of interference with the fair trial.

9. In view of the aforesaid circumstances, this Court is of the considered opinion that respondent No.1 has misused the liberty granted to him and has violated the conditions of bail. Therefore, the bail granted to respondent No.1-DS order dated 01.09.2025 passed in M.Cr.C. No.



5

MCRC-3689-2026

36396/2025 is herebycaannccceelllleedd. Respondent No.1- DS shall be taken into custody forthwith in accordance with law.

10. Accordingly, the present application under Section 483(2) of the BNSS is **allowed and disposed of**.

(RATNESH CHANDRA SINGH BISEN)
JUDGE

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