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CRA-5589-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 8th OF OCTOBER, 2026CRIMINAL APPEAL No. 5589 of 2026

CNR No.: MPHC020248562026

*SANJEET SINGH MAVAI**Versus**CENTRAL BUREAU OF INVESTIGATION AND OTHERS*

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Appearance:

Shri Vivek Singh, learned senior counsel with Shri Gagan Bajad, learned counsel for the appellant.

Shri Manoj Kumar Dwaivedi with Shri Aniruddha Dwivedi, learned counsel for the respondent No.1 Central Bureau of Investigation.

Shri Sagar Soni and Ms. Payoshi Roy, learned counsel for the respondent No.2 through video conferencing.

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ORDER

This criminal appeal under Section 14A (2) of SC & ST (Prevention of Atrocities) Act, 1989 is preferred being aggrieved by the order dated 23.6.2026 in Special Case No.ST/ATR168/2025 by Special Sessions Judge, SC & ST (POA) Act, 1989, Indore, whereby application under Section 483 of BNS, 2023 preferred on behalf of the appellant - Sanjeet Singh Mavai taken in custody on 5.10.2025 in connection with Crime No.RC 0502025S0005 registered at PS SC-II/New Delhi under sections 103, 115, 120(2), 127(8) r/w 3(5) BNS, 2023, u/s 61 r/w 229, 238, 256 & 340 of BNS, 2023 and r/w Section 3(2)(v)(vit) of the SC/ST (Prevention of Atrocities) Act, 1989 has been rejected.



2. The prosecution case, in brief, is that on 14.7.2024, at the Hospital Outpost, Police Assistance Center, Guna, Ward Boy Puneet submitted a written complaint stating that the deceased, Deva, son of Radheshyam, had been declared dead at 6.40 PM on 14.7.2024. Upon this, a case number 139/24 under Section 194 of the IPC (BNSS) was registered at the Police Assistance Center, District Hospital, and the inquest was sent to Myana Police Station for inquest proceedings. The case was investigated after the inquest was established. Upon request by the Superintendent of Police, Guna, a judicial inquiry was conducted by the Judicial Magistrate First Class, District Guna, under the provisions of Section 196(1) of the BNSS into the death of the deceased prisoner, Deva, under suspicious and unusual circumstances. During the inquiry, witness statements were recorded, and a postmortem examination of the police prisoner, Deva, was conducted with videography. The judicial inquiry report was received from the office of the Principal District and Sessions Judge through which after a thorough judicial inquiry by the investigating Judicial Magistrate First Class, Guna, it was mentioned that the death of the deceased prisoner Deva alias Devendra was caused under suspicious and unusual circumstances as a result of torture and neglect during custody due to beating and torture during police custody. On the basis of the judicial inquiry and inquest conducted by the investigating/Judicial Magistrate First Class, Guna in connection with the incident, it was found that the death of Deva alias Devendra son of Radheshyam, accused in Crime No.232/2024 under Section 457, 380 IPC of Police Station Myana, was caused under suspicious and unusual



circumstances as a result of beating, torture or neglect during interrogation by the TI of Police Station, Myana and a total of 07-08 policemen. A case number 341/2024 was registered against him and 7-8 others under Sections 105, 115(2), 3(5) of the IPC and in view of the order dated 15.5.2025 passed by the Hon'ble Supreme Court in SLP (Cri) No.(S) 3450/2025 the investigation was handed over the Central Bureau of Investigation. In compliance of the aforesaid order the CBI after completion of investigation charge sheet was filed against co-accused Devraj, Juber Khan and Gajraj Singh Yadav and in furtherance thereto supplementary challan has been filed against the absconding accused Sanjeet Singh Mavai and Uttam Singh on 23.12.2025.

3. Learned counsel for the appellant submits that appellant is an innocent person and has falsely been implicated in the case because of an institutional bias aimed to protect the actual responsible officers. He further submits on 13th and 14th July, 2024 the appellant was on official VIP duty at Gwalior for "Viksit Bharat" program and was not present at the Police Station, Myana. He submits that the Call Detail Record (CDR) summary reveals a continuous communication specifically between SDOP Vivek Asthana and ground officer ASI Uttam Singh during the torture window. The appellant is a permanent resident of State of M.P. and a suspended Government servant. The appellant undertakes to remain present before the trial Court on each and every date of hearing as and when directed. He has placed reliance on the orders passed by the Hon'ble Apex Court in the cases of *Ajay Kumar Yadav Vs. State of U.P. and others* (SLP (Cri.)



No.9816/2023) and *The State of Jharkhand Vs. Sandeep Kumar* (SLP (Cri.) No.10499/2023).

4. Learned counsel for the respondent/CBI supports the order impugned and submits that there is sufficient oral, documentary, digital evidence available demonstrating the involvement of the appellant in the alleged offence. Hence, prays for rejection of the criminal appeal.

5. Learned counsel for the respondent No.2 also supports the order impugned and the submissions of the counsel for respondent No.1. Hence, prays prays for rejection of the criminal appeal.

6. The prosecution case, in brief, is that deceased Deva Pardi was taken into Police custody on 13.7.2024 when appellant was on duty out of town and returned to the Police Station on 14.7.2024 at 2.30 PM. In the appellant's absence, the deceased was being subjected to continuous interrogation by several Police officers and many physical assaults during that period is also a possibility. As per the prosecution case during the period of Police custody the deceased allegedly sustained injuries and subsequently died on 14.7.2024. The present appellant, who was posted as Inspector at the relevant Police Station, Myana, District Guna has been implicated on the allegation that he participated in, facilitated, directed or failed to prevent the acts, which allegedly resulted in the death of accused Deva Pardi. It is evident from perusal of the record that the appellant has been in custody for the last one year. Investigation is substantially completed, charge sheet has already filed on 23.12.2025. The custodial interrogation is no longer required, the appellant was not the sole officer responsible for the Deva's death, there is no



direct independent eye-witnesses account, apart from Gangu @ Gangaram attributing the fatal act to the appellant. The medical evidence does not conclusively establish, at this stage, that the particular act alleged against the appellant was the immediate cause of death and the appellant has no criminal antecedents. The appellant has no personal enmity with the deceased. The case of accused Sanjeet Mavai stands on a different footing in the comparison of co-accused Devraj. Co-accused Devraj was present at the Police Station, Myana at the time of deceased's arrest and was involved in the assault that took place. Further more, the period of custody served by the accused Sanjeet Mavai is longer than that of co-accused Devraj. No identification parade has been shown to have been conducted for the accused Sanjeet Mavai. He has been referred to solely by the alias "Teen Phool Wale". The burden of proving that accused Sanjeet Mavai arrival and departure time was fabricated lies with the prosecution. The prosecution case is substantially based on documentary material, CCTV recording, official records, medical evidence and statements of witnesses already collected by the Investigating Agency CBI. But, at the outset it is necessary to observe that the allegations in the present case are undoubtedly serious. A death occurring by a person in Police custody is a matter of requiring the criminal justice system to exercise heightened care. The status of the appellant as a Police Officer is also a relevant circumstance, particularly while considering the possibility of influence over witnesses or interference with the administration of justice.

7. At the same time, the jurisdiction at the stage of regular bail is not



equivalent to a trial. The Court is required to undertake a prima facie assessment of the material available for the limited purpose of determining whether continued detention is justified. The Court is not expected to conduct a meticulous appreciation of evidence or record findings, which may prejudice either side a trial.

8. The material presently available in the case is that the deceased was admittedly in Police custody. However, the question whether the appellant himself committed particular act resulting in death, or shared the requisite criminal liability for the same, is a matter, which could require appreciation of oral, documentary and medical evidence at trial.

9. This Court also takes note of the distinction between custodial responsibility and individual criminal liability. The fact that an accused was holding a supervisory Police position at the relevant time is a relevant circumstance, but such status by itself cannot substitute for proof of the ingredients of the particular of an alleged against that accused.

10. In the present case the investigation has been completed and the charge sheet has been filed. The material witnesses relied upon by the prosecution have been identified and their statements have already been recorded during investigation. The prosecution has not demonstrated any specific material showing that, if released on bail subject to stringent conditions, the appellant is likely to destroy evidence or abscond. So far as the apprehension of influencing witnesses is concerned, the same cannot be ignored merely because the appellant is a Police Officer. However, such apprehension can be substantially addressed by imposing appropriate



condition, including a prohibition against entering the jurisdiction of the concerned Police Station except for the purposes permitted by the trial Court, a prohibition against contacting prosecution witnesses, and an obligation to furnish his current address and mobile number to the Investigation Officer and the trial Court.

11. The appellant had remained in custody since 5.10.2025. The investigation is complete and charge sheet has been filed. There is no material presently placed before the Court to show that further custodial interrogation of the appellant is necessary. The seriousness of the allegation is undoubtedly a relevant consideration, but seriousness of the offence, by itself, cannot be treated as an absolute bar for consideration of bail. The Court must balance the nature of the accusation with the material collected, the stage of proceedings, the period of custody, the likelihood of interference with the trial, the possibility of absconding and the requirement of a fair trial. It is noteworthy that the accused surrendered voluntarily and has been in custody for one year.

12. The allegations of custodial death involving Police Personnel require a stricter approach because of the position and potential influence of members of the Police force. The said consideration, however, does not dispense with the necessity of examining the individual role attributed to the accused and the circumstances relevant to continued detention.

13. Having regard to the totality of the circumstances, including the appellant's period of custody, completion of investigation, filing of the charge sheet, the nature of the material presently available against him and



the possibility of adequately protecting the prosecution case through stringent conditions, this Court is of the considered view that continued incarceration of the appellant, at this stage, is not necessary for the purposes of investigation or securing his presence in the trial. It is clarified that the observations made herein are prima facie and confined solely to the adjudication of the present bail application. The said observations will have no impact on other cases involving the appellant that are pending in this Court. Nothing contained in this order shall be construed as an expression of opinion on the guilt or innocence of the appellant. The trial Court shall decide the case independently on the basis of evidence led before it.

14. Accordingly, this Cri.Appeal No.5589/2026 is allowed. The appellant Sanjeet Mavai shall be released on regular bail in connection with Crime No.RC 0502025S0005 dated 27.5.2025, CBI, SC II, New Delhi subject to furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs.One Lakh only)** with two solvent sureties of the like amount to the satisfaction of the concerned trial Court, subject to the following conditions:-

- i) The appellant shall appear before the trial Court on every date fixed unless his personal appearance is specifically exempted in accordance with law;
- ii) The appellant shall not directly or indirectly contact, threaten, induce, influence or attempt to influence the complainant or any prosecution witnesses;
- iii) The appellant shall not enter the premises of Police Station, Myana, District Guna, where the material witnesses are posted, except with prior permission of the trial Court for a purpose specifically permitted by law;



- iv) The appellant shall furnish his complete residential address, mobile number and e-mail to the Investigation Officer and the trial Court and shall keep the same operational during the pendency of the trial;
- v) The appellant shall surrender his passport, if any, before the trial Court and shall not leave India without prior permission of the trial Court;
- vi) The appellant shall not tamper with prosecution evidence or attempt to obstruct or delay the trial in any manner;
- vii) The appellant shall cooperate with Court proceedings. The appellant counsel shall remain ready to cross-examine the prosecution witnesses appearing in Court;
- viii) The appellant shall not commit any offence similar to the offence alleged in the present case during the period of bail.

15. In case of violation of any of the aforesaid conditions, it shall be open to the prosecution to seek cancellation of bail in accordance with law.

16. It is further directed that the trial Court shall endeavour to proceed with the trial expeditiously subject to the rights of all the parties.

The present criminal appeal stands allowed and disposed off.

(ALOK AWASTHI)
JUDGE

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