

# Durgpal Bhalavi vs The State Of Madhya Pradesh on 17 March, 2025

**Author: Maninder S. Bhatti**

**Bench: Maninder S. Bhatti**

NEUTRAL CITATION NO. 2025:MPHC-JBP:13085

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IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE MANINDER S. BHATTI  
ON THE 17th OF MARCH, 2025  
MISC. CRIMINAL CASE No. 9860 of 2025  
DURGPAL BHALAVI AND OTHERS  
Versus  
THE STATE OF MADHYA PRADESH AND OTHERS  
Appearance:  
Shri M.R. Verma - Advocate for the applicants.  
Shri Pramod Kumar Choubey - Government Advocate for the re

ORDER

As per the respondent/State, notice has been served upon prosecutrix.

2. This is first bail application filed by the applicants under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR/Crime No.91/2025 dated 01.02.2025 registered at Police Station Amarwara, District Chhindwara for the offences under Sections 64(1), 64(2)(D) of Bhartiya Nyay Sanhita, 2023, Sections 4,6,8 & 12 of POCSO Act and Sections 9, 10 and 11 of Bal Vivah Nished Adhiniyam , 2006 (The Prohibition of Child Marriage Act, 2006).

3. Learned counsel for the applicants contends that the present applicants have not committed any offence and they have been falsely implicated in the present case. It is contended by the counsel that the preset applicants are parents of one Rajesh Bhalavi (co-accused in the present case) who entered into wedlock with the prosecutrix. As per the prosecution, the prosecutrix was aged about 17 years. It is contended by the counsel that the NEUTRAL CITATION NO. 2025:MPHC-JBP:13085 2 MCRC-9860-2025 statement of the prosecutrix recorded under Section 164 of Cr.P.C. prima facie reflects the factum of previous relationship between the prosecutix and co-accused Rajesh Bhalavi and they have also entered into wedlock. The present applicants are parents of the co-accused Rajesh Bhalavi, have been implicated in the preset case only on the allegation that they were instrumental in getting their son for marriage to a minor girl i.e. prosecutrix. Thus, counsel submits

that the present applicants deserve to be enlarged on bail as they are in custody since 05.02.2025.

4. Per contra, learned counsel for the respondent/State opposed the prayer and submitted that there are direct allegations against the present applicants, thus, taking into consideration the role played by the present applicants, they are not entitled to be enlarged on bail.

5. Heard the submissions and perused the case diary.

6. A perusal of the case diary reflects that the present applicants are parents of co-accused Rajesh Bhalavi. The statement of prosecutrix recorded under Section 164 of Cr.P.C. prima facie reflect the factum of previous relationship between the prosecutrix and co-accused Rajesh Bhalavi and they have also entered into wedlock. The applicants are in custody since 05.02.2025.

7. Considering the overall facts and circumstances of the case, this Court is of the considered view that it is a fit case to release the applicants on bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

8. It is directed that the applicants-Durgpal Bhalavi and Smt. Sumantra NEUTRAL CITATION NO. 2025:MPHC-JBP:13085 3 MCRC-9860-2025 Bhalavi shall be released on bail on their furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only)each with one solvent surety each in the like amount to the satisfaction of the trial Court concerned for their appearance before the said Court on all such dates as may be fixed in this regard during the pendency of trial.

9. It is further directed that the applicants shall comply with the provisions of Section 480(3) of BNSS.

10. Accordingly, this M.Cr.C. stands disposed of.

(MANINDER S. BHATTI) JUDGE sp