

Udaybhan Singh Rawat vs The State Of Madhya Pradesh on 19 February, 2025

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2025:MPHC-GWL:3708

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MCRC-6

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 19th OF FEBRUARY, 2025
MISC. CRIMINAL CASE No. 6418 of 2025
MUKESH SINGH RAWAT
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Vipin Yadav - Advocate with Shri Atul Gupta - Advocate
applicant.

Shri Abhishek Singh Bhadoria - PP for the State.

Shri Prashant Sharma - Advocate for the objector.

WITH

MISC. CRIMINAL CASE No. 3534 of 2025

UDAYBHAN SINGH RAWAT

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Trishant Mishra - Advocate for the applicant.

Shri Abhishek Singh Bhadoria - PP for the State.

Shri Prashant Sharma - Advocate for the objector.

ORDER

This order shall govern the disposal of both the aforesaid applications i.e. M.Cr.C. No. 6418 of 2025 and M.Cr.C. No. 3534 of 2025.

2 . M.Cr.C. No. 6418 of 2025 is third application under Section NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 2 MCRC-6418-2025 483 of the BNSS filed by applicant Mukesh Singh Rawat for grant of regular bail and M.Cr.C. No. 3534 of 2025 is second application under Section 483 of the BNSS (Section 439 of Cr.P.C) filed by applicant Udaybhan Singh Rawat for grant of regular bail in connection with Crime No. 591 of 2023 registered at Police Station Padav, District Gwalior for offences punishable under Sections 302, 147, 148, 149, 120B of the Indian Penal Code

and Section 25/27 of the Arms Act.

3. In M.Cr.C. No.6418 of 2025, the counsel for applicant namely Mukesh Singh Rawat submits that the applicant is innocent and has been falsely implicated in the case. The present applicant was prosecuted on the strength of the First Information Report lodged under Section 302, 147, 148, 149, 294, 323, 120-B and 307 of the Indian Penal Code vide Crime No. 31 of 2021 at Police Station Aron, District Gwalior. The present applicant, who was working as Regional Provident Fund Commissioner had qualified UPSC examination and, therefore, having found that he was falsely implicated in the aforesaid offence, approached the Apex Court and the Apex Court was pleased to grant anticipatory bail to the present applicant and in the said order of grant of anticipatory bail, the Apex Court had also taken note of the fact that the applicant was working as Regional Provident Fund Commissioner. It is further contended by the counsel for the applicant that subsequently a person namely Vikram was done to death and, therefore, instant First Information Report has been lodged vide Crime No. 591 of 2023. It is NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 3 MCRC-6418-2025 contended that in the said First Information Report there was no mention of the name of the present applicant, however, the applicant was implicated by other witnesses while mentioning that the applicant hatched a conspiracy and in execution thereof the deceased was murdered. It is further contended that the previous application of the applicant was dismissed vide order dated 22.3.2024 passed by this Court in M.Cr.C. No. 11286 of 2024 and before this Court, an objection was taken by the complainant that the present applicant had made an attempt to implicate the deceased in a rape case wherein the prosecutrix later on stated before the trial Court that she was pressurized to falsely implicate the deceased at the behest of the present applicant. It is further contended that the said stand so taken by the complainant was misconceived as the conduct of the prosecutrix was taken note of by the Division Bench in the order dated 21.12.2022 (Annexure P-9) while dealing with the Habeas Corpus petition filed vide W.P. No. 29111 of 2022. It is, therefore, contended that after dismissal of the last application in the month of March, 2024, as of now, almost 11 months have elapsed, yet there is no progress in trial. It is contended that there is no allegation against the applicant except the statement of one Vikas Singh Sikarwar recorded under Section 161 of Cr.P.C. that he had overheard on 13.9.2023 that the present applicant had expressed that the deceased would have to be murdered then only they would be acquitted in Crime No. 31 of 2021. It is contended that there is no allegation against the NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 4 MCRC-6418-2025 applicant that he has played any role in perpetration of the murder of the deceased. The only allegation against the applicant is that he hatched a conspiracy to commit the murder of the deceased. However, apart from the said statement and identical statements of couple of witnesses, there is nothing on record against the applicant. Hence the applicant deserves to be released on bail.

4. in M.Cr.C. No. 3534 of 2025, the counsel for applicant namely Udaybhan Singh Rawat contended that the applicant has been implicated on the strength of the statement of Vikas Singh Sikarwar and Sughar Singh. It is contended that the incident in Crime No. 591 of 2023 had taken place on 9.10.2023 whereas statement of Sughar Singh was recorded on 4.11.2023 and the statement of Vikas Singh Sikarwar was recorded on 19.11.2023, therefore, apparently the present applicant was implicated after a prolong period with an oblique motive, despite the fact that the applicant had no connection whatsoever with the alleged offence. As per the First Information Report itself, the

offence was committed by accused persons namely Dharmveer Rawat, Pushpendra Rawat, Bunty Rawat, Atendra Rawat and Sukhvendra Rawat. In such circumstances, the applicant deserves to be released on bail, as there is no progress in trial.

5 . The counsel for the State has opposed the application and submitted that in the present case the deceased was done to death in a pre-planned manner at the behest of the applicants and other co-accused.

NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 5 MCRC-6418-2025 It cannot be said to be a co-incidence that firstly, the deceased was roped-in in a false case of rape under Section 376 of the Indian Penal Code and later on, when the deceased was acquitted, he has been murdered and there are direct allegations against the present applicants. It is also submitted that previous application of applicant Mukesh Singh Rawat has already been dismissed by this Court on merits on 22.3.2024. Therefore, taking into consideration the method and manner in which the offence has been committed by the applicants, no case for grant of bail is made out.

6 . The counsel for the objector submits that applicant Mukesh Singh Rawat is the master mind and the brain behind both the murders, which were subject matters of Crime Nos. 31 of 2021 and 591 of 2023. It is contended that applicant Mukesh Singh Rawat while projecting himself to be an educated and qualified person has made an attempt to mislead the Court. Against the applicant, the aforesaid case under Section 302 of the Indian Penal Code as well as under other provisions was registered vide Crime no. 31 of 2021 and the Apex Court granted anticipatory bail and during currency of anticipatory bail, the applicant made a woman instrumental to lodge a report against the deceased under Section 376 of the Indian Penal Code. The statement of said woman was recorded before the trial Court, in which she had specifically stated that applicant Mukesh Singh Rawat had pressurized her to lodged a false report under Section 376 of the Indian Penal Code against the deceased.

NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 6 MCRC-6418-2025 It is further contended that the aforesaid conduct of applicant Mukesh Singh Rawat is ample enough to demonstrate that he was after the deceased and when the deceased was acquitted of the charge under Section 376 of the Indian Penal Code on 20.6.2023, in a pre-planned manner the deceased was murdered on 9.10.2023. It is further contended that statement of Raghuveer Singh Rawat was recorded on 10.10.2023 under Section 161 of Cr.P.C. and in his statement, he had stated that the applicant was guilty of hatching conspiracy to commit the murder of the deceased. It is further contended that there is statement of Sughar Singh Rawat also recorded on 4.11.2023 under Section 161 of Cr.P.C., who also named applicants Mukesh Singh Rawat and Udaybhan Rawat. The statements of Vikas Singh Sikarwar and wife of the deceased namely Neetu Rawat are also there on record, which also contained the name of both the applicants. The statement of Vikas Singh Sikarwar clearly reveals that there were direct allegations against the applicants. It is contended that the applicants are making all efforts to unnecessarily prolong the trial. There is serious threat to the witnesses and considering the past conduct of the applicants, there is likelihood of injury or harm to the witnesses, if they turn up to depose against the applicants. If the applicants are released on bail, in all probability, they will tamper with the evidence and will try to win over the witnesses. It is submitted that in M.Cr.C. No. 3534 of 2025, an application has been filed vide I.A. No. 2379 of 2025 under

Section 338 (2) of the BNSS by the complainant and NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 7 MCRC-6418-2025 along with the said application, documents pertaining to some Facebook posts have been brought on record, which reflect that before death, the deceased was being threatened by the applicants and unfortunately he was done to death at the behest of the applicants and co-accused.

7 . Heard submissions advanced on behalf of the parties and perused the record.

8 . A perusal of the record reflects that applicant Mukesh Singh Rawat was granted anticipatory bail by the Apex Court in connection with Crime No.31 of 2021. Thereafter the complainant approached the Apex Court for cancellation of bail of the applicant on account of registration of subsequent case vide Crime No. 591 of 2023. The Apex Court also extended liberty to the complainant to approach the trial Court for cancellation of bail. The trial Court vide order (Annexure P-6 filed along with M.Cr.C. No. 6418 of 2025) rejected the application for cancellation of bail. Said order was assailed by the complainant by filing another petition, which according to the complainant is pending before this Court. Previous application of the applicant for regular bail was dismissed on 22.3.2024 and after dismissal of the previous application, despite lapse of about 11 months, as of now, there is no progress in the trial. In the present case, the charges have been framed against the applicants on 14.8.2024 and not a single prosecution witness has been examined during the aforesaid period. So far as present applicants are concerned, as per the case of the prosecution, there is no allegation NEUTRAL CITATION NO. 2025:MPHC-GWL:3708 8 MCRC-6418-2025 against them that they have committed murder of the deceased. The only allegation against the applicants is that they were planning to commit the murder of the deceased. There is no allegation against the applicants of firing gunshots. The applicants are languishing behind the bars for last about a year.

9 . The Apex Court in the case of Javed Gulam Nabi Shaikh v. State of Maharashtra, (2024) 9 SCC 813 in paragraphs 17, 18 and 19 has observed as under:-

17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

18. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

19. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.

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10. Thus, considering the totality of the facts and circumstances of the case, nature of allegation against the applicants, the fact that applicant Mukesh Singh Rawat is in custody since 5.12.2023 (for more than a year) and applicant Udaybhan Singh Rawat is in custody since 16.3.2024 (for about 11 months) and trial is not being progressed and also in the light of the observations made by the Apex Court in the case of Javed Gulam Nabi Shaikh (supra) , this Court deems it to be a fit case to release the applicants on bail. therefore, without commenting on the merit of the case, both the applications are allowed.

11. It is directed that the applicants shall be released on bail on furnishing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh Only) each with one surety 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 by that Court in this regard during the pendency of trial.

12. It is further directed that the applicants shall comply with the provisions of Section 480(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(MANINDER S. BHATTI) JUDGE PB