



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
MISC. CRIMINAL CASE No. 24925 of 2025
ANIL PATIDAR
Versus
CENTRAL BUREAU OF INVESTIGATION**

Appearance:

*Shri Vivek Singh- Senior Advocate with Shri Shivendra Singh
Rawat- Advocate for the applicant.*

Shri Manoj Kumar Dwivedi- Advocate for the respondent/CBI.

Shri Kailash Chandra Dilliwal- Advocate for the objector.

**WITH
MISC. CRIMINAL CASE No. 31423 of 2025
MUKHTAR RASHID QURESHI
Versus
CENTRAL BUREAU OF INVESTIGATION**

Appearance:

*Shri Veer Kumar Jain- Senior Advocate with Shri Rizwan
Khan- Advocate for the applicant.*

Shri Manoj Kumar Dwivedi- Advocate for the respondent/CBI.

Reserved on : 25.07.2025

Pronounced on : 15.09.2025

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*These applications having been heard and reserved for orders,
coming on for pronouncement this day, the court passed the following:*

ORDER

1] They are heard. Perused the case-diary.



2] This order shall govern the disposal of both the applications, as they have arisen out of same Crime No. R.C.08(S)/2014/CBI/SC-III-ND registered at Police Station CBI, New Delhi.

3] Both these applications are the first bail applications filed by applicants Anil Patidar and Mukhthar Rashid Qureshi under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023/438 of Cr.P.C. as they are apprehending their arrest in connection with Crime No.R.C.08(S)/2014/CBI/SC-III-ND registered at Police Station CBI, New Delhi for offence punishable under Sections 307, 353, 332, 302/120-b, 193, 119 and 201 of the Indian Penal Code, 1860; Section 25 and 27 of the Arms Act, 1959.

4] The applicant Anil Patidar is presently posted as Additional S.P., Barwani. The applicants are apprehending their arrest in connection with the aforesaid offence, wherein, it is alleged that the applicants and the other accused persons conspired together to shield one Bansilal Gurjar by staging his encounter on 08.02.2009, however, subsequently, in the year 2014, it was found that Bansilal Gurjar is still alive and the person who died in the encounter was some someone else, an unknown person.

5] So far as applicant Mukhthar Rashid Qureshi is concerned, it is alleged that at the relevant time he was posted as Sub-Inspector in the police Station Bhagana, Neemuch, and was called on duty to be in the police team which was constituted to nab Bansilal Gurjar, whereas the case was being handled by the P.S. Rampura.

6] The case of the prosecution is that the after the aforesaid encounter took place in the year 2009, the matter was closed, as the family members of the deceased Bansilal Gurjar had also identified the dead body, however, in the year 2011, an offence was registered at



Crime No.154/2011, wherein, one Ratanlal was arrested, who, for the first time disclosed that Bansilal Gurjar is alive, and thus, efforts were made and on 20.11.2012, Bansilal Gurjar was arrested, and an FIR was lodged against him at Crime No.63/2011 under Sections 419, 420, 465, 468, 471 and 474 of IPC on 23.11.2012. Subsequently, in the Writ Petition Nos.809/2014 (Goverdhan Pandya Vs State of Madhya Pradesh) which was filed for calling of relevant record of the case, with all the whereabouts of the innocent person who was killed, and case be ordered to be enquired by CBI or NIA and all criminal records of Bansi Gurjar be called, and who saved him and also, strict action against the enquiry officer and the ADM Subodh Rege, who falsely enquired and, submitted report to the Collector, Neemuch, and W.P.No.10525/2013 (Ghanshyam Dhakad Vs. Secretary(Home), State of Madhya Pradesh), seeking almost the identical reliefs, this Court directed the CBI to investigate all the aspects of the matter of killing of an innocent person whose encounter was shown as that of Bansilal Gurjar, and also the role of the Police officers in the same. Thus, on 08.12.2014, an FIR was registered by the CBI at Crime No.R.C.08(S)/2014/CBI/SC-III-ND at Police Station CBI, New Delhi for offence punishable under Sections 307, 353, 332, 302/120-b, 193, 119 and 201 of the Indian Penal Code, 1860; Section 25 and 27 of the Arms Act, 1959. Pursuant to which, statements of various witnesses were also recorded, including the family members of Bansilal Gurjar, who, this time disclosed that they had earlier wrongly identified the body of an unknown person as that of Bansilal Gurjar under the pressure of the Police personnel, and one Prahlad Choudhary, posted as Panchayat Secretary who had also prepared the Death Certificate of Bansilal Gurjar, has stated that he had given the said Certificate under the pressure of T.I. Parshuram Singh



Parmar and *Sarpanch* Surajmal. In this investigation, the applicant Anil Patidar, who was posted as the SDOP, Manasa at the Police Station Neemuch Cantt. at the relevant time, was directed to appear before the CBI Officers on 09.04.2018, through a notice dated 03.04.2018, and on account of his failure to appear before the CBI authorities, arrest warrants have been issued against him on 11.04.2018.

7] Shri Vivek Singh, learned senior counsel for the applicant Anil Patidar has submitted that the applicant has been falsely implicated in the case, as he has no role to play in the story as narrated by the prosecution. It is also submitted that the applicant was also called by the CBI on various occasions through summons, and he has co-operated in the investigation whenever he was required. It is also submitted that a detailed Magisterial Enquiry was also conducted by the Additional Collector in the year 2009, in which the statements of the family members of Bansilal Gurjar were also recorded including the independent witnesses, and in its report dated 09.02.2009, it was found that it was Bansilal Gurjar who had died. It is also submitted that the applicant is presently posted as Additional S.P., Barwani, and if arrested at this juncture of his career, it would seriously prejudice his career prospects.

8] It is also submitted that whatever the applicant did at that time, is already documented, and death of Bansilal Gurjar was also affirmed by all his family members. In such circumstances, at this juncture, if they have resiled from their earlier statement, it cannot be said that the applicant was responsible for the alleged encounter, especially when none have taken the name of the applicant.

9] Shri V.K. Jain, learned senior counsel for the applicant Mukhthar Rashid Qureshi has submitted that the case against the applicant is that



he was also a part of the police team which carried out the false encounter.

10] On the other hand, Shri Manoj Dwivedi, learned counsel appearing for the CBI, has vehemently opposed the prayer, and it is submitted that looking to the fact that an innocent person has been murdered in the name of encounter, it is not a case where the facility of anticipatory bail can be given to the applicants. Shri Dwivedi has also submitted that the PM report of the deceased was also sent to the AIIMS for further verification, and it has been found that the injury No.5 of the post mortem report is suggestive of repeated localized crush injury by blunt force, causing disfiguration, which is not consistent with road traffic accident pattern of injury. It is also submitted that false evidence was created to show that accused GE Carr and co-accused Vivek Gupta were also hit by bullets fired by the so-called Bansilal Gurjar, however, it has been revealed from the report of Dr. S. Patel that the injuries on the body of the accused G.E. Carr and Vivek Gupta, are not caused by gunshot, instead these injuries are caused by blunt object. It is also submitted that three police personnel have already been arrested in the case, and in such circumstances, the application for anticipatory bail of the applicants deserve to be dismissed.

11] Heard counsel for the parties and perused the case diary.

12] From the record, the chronology which has emerged can be narrated as under;-

S.NO	DATE	PARTICULARS
1.	04/02/2009	Jodhpur (Rajasthan) Police brought one accused, Ratanlal s/o Kaluram Meena resident Talau, Police Station Kukdeshwar, Neemuch to his father-in-law's house at village Sundi, Police Station Kukdeshwar, on two-day parole for the last rituals of father-in-law.



2.	04/02/2009	<u>Bansilal Gurjar</u> , Babu Banjara attacked the police party and freed the prisoner Ratanlal Meena from police custody, looted the weapons of Rajasthan Police and attacked Rajasthan Police and seriously injured the police personnel.
3.	04/02/2009	In this connection, crime number 20/2009 under sections 307/395/397/353/332/224/120-B IPC25/27 Arms act was registered at Police Station Kukdeswar and investigation was taken up against <u>Bansilal Gurjar</u> , Babu Banjara and 15-20 other accused persons. (Annexure A/2 in MCRC/31423/2025)
4.		Four teams were formed at the instruction Superintendent of Police, Neemuch for search, investigation and arrest of the said accused persons. 1. Mr. G.E Carr from Police Station Rampura, 2.Mr. P.S. Parmar from Police Station Kukdeswar, 3.Mr. Vivek Gupta from Police station Manasa 4.Mr. Mukhtar Qureshi from Police Station Baghana.
5.	07/02/2009	Superintendent of Police, District Neemuch, Shri Ved Prakash Sharma received information from his reliable informer that Bansilal Gurjar, who is hiding somewhere near Gandhi Sagar Dam, would be going to his home at village Nalwa tonight from Gandhi Sagar via Baisla Ghat on a red color Passion motorcycle.
6.	08/02/2009	The then SDOP Mr. Anil Patidar (the present applicant), Rampura police station informed everyone about the information given by S.P. and two teams were formed to arrest the accused Bansilal Gurjar and instructions were given to everyone at 08/02/2009 at 00:50 PM 1. First team was led by Inspector Police Station In-charge at Kukdeswar Shri P. S. Parmar and included Sub-Inspector Mukhtar Qureshi (Baghana) (Applicant in MCRC -31423-2025) 2.Second team was comprised of SDOP Manasa, Shri Anil Patidar,(Applicant in MCRC-24925-2025) , Inspector, Police Station In-charge Rampura, Shri Gladwin Edward Carr, Police Station In-charge Manasa, Shri Vivek Gupta, Constable 239 Bhagwan Singh, Constable 361 Neeraj Pradhan (Applicant in MCRC/29473/2025)
7.	08/02/2009	First team was at Baisla Ghat between Rampura and Gandhi Sagar on the Gandhi Sagar side Second team - downstream of Baisla Ghat on the Rampura side (300 meter)



8.	08/02/2009	At about 2:25 A.M. two persons came from Rampura side. 1. Guddu @ Saeed and 2. Ibrahim Shah, residents of Mandasaur Both these witnesses were detained by the second party at the spot.
9.	08/02/2009	A man came on motorcycle from Gandhi Sagar side. Party No. 1 shouted to stop and tried to stop it by switching on and off the torches. In order to stop and catch it, P.S. Parmar and Mukhtar Qureshi (Applicant) aimed at the rear tyre of the motorcycle and fired one shot each from their pistols, but the bullets did not hit the criminal or his motorcycle and the criminal fled from the spot on his motorcycle. The other party tried to stop the criminal but he fired back at police officials due to which Inspector Gladwin Carr and S.I. Vivek Gupta got injured. In self-defense and to catch the criminal, the police official fired shots aimed at the tyre of the motorcycle and the criminal who was running at a high speed fell down on the rocky road along with the motorcycle and was dragged for a long distance, due to which he suffered injury on his head. He was sent to Rampura Hospital where doctors declared him brought dead Vivek Gupta also got injured in the firing by the said person, and his MLC was also done.
10.	08/02/2009	2 Pistols, Muffler, Rexene Purse, Diary with the Name and Address of Bansilal Gurjer And Other Documents were found from the possession of the deceased. On the basis of that, Crime No. 27/2009 under sections 307/353/332 IPC and 25/27 Arms Act was registered at Police Station Rampura (Annexure A/3 in MCRC-31423-2025)
11.	08/02/2009	The deceased was identified in the hospital as Bansilal Gurjar by family member, villagers, relatives and village Chowkidar Balu Nayak, etc. Copy of the application to the Naib Tahsildar, Shav Panchayatnama, Identification Panchanama, Pahachan- Panchanama, application for dead body, Dead body hand over Suprudginama, Naksha Panchayat nama, Crime Detail form, & Crime Scene report ANNEXURE A/5, A/6, A/7, A/8, A/9,



		A/10,A/11, A/12, and _A/14 (in MCRC-31423-2025)
12.	09/02/2009	Property seizure memo A/13 (in MCRC-31423-2025)
13.	25/09/2012	Crime No. 154/2011 was under investigation, wherein on 25.09.2012, it was revealed by accused Ghanshyam Dhakad the accused of that crime that Bansilal Gurjar has informed and trained him how to hide the identity then during the investigation it came on record that Bansilal Gurjer is still alive.
14.	20/11/2012	Bansilal Gurjer was arrested.
15.	23/11/2012	FIR against Bansilal Gurjar Crime No. 631/2012 offences under section 419,420,465,468,471,474 IPC A/20 (in MCRC/31423/2025)
16.	27/10/2014	WP 809/2014 filed by Bansilal Gurjar seeking all the whereabouts of the innocent person who was killed and case be ordered to be enquired by CBI or NIA and all criminal records of Bansil Gurjar be called WP 10525/2013 filed by Ghan Shyam Dhakkad seeking the similar reliefs. Order was passed by Hon'ble High Court that CBI Authorities shall investigate all aspects of the case pertaining to killing of innocent persons including the alleged role of Police Officers.
17.	08/12/2014	CBI registered FIR- RC08(S)/2014/CBI/SC-III/New Delhi 2014.
18.	2014	CBI started Investigation
19.	13/01/2015	Applicants/accused peresons were directed to present before CBI team at CBI camp office (Neemuch) on 21/01/2015
20.	12/02/2015	Statement u/s 161 of Cr.p.c of Prhalad Choudhary (Sachiv Gram Panchyat Nalva who made the Death Certificate of Bansilal Gurjar) recorded that he made the certificate in the pressure of T.I Parmar and Sarpanch Surajmal as the place of death does not comes under the area of their village and it was totally on the basis of panchnama of last rituals of Bansilal Gurjar.
21.	18/03/2015	Statement u/s 161 of Cr.p.c of Vijay Patidar (owner of the motorcycle allegedly used by Bansilal Gurjar at the time of incident) recorded that on 04/01/2009 he registered a FIR 08/2009 at police station Neemuch cant. of his missing bike and thereafter he got to know that his bike was used by the so called Bansilal Gurjar.



22.	03/04/2018	Anil Patidar was directed to report at the office of CBI on 09/04/2018
23.	11/04/2025	Arrest warrant was issued against Anil Patidar

13] A perusal of the record would also reveal that the family members of the deceased had also identified the body of the deceased as that of Bansilal Gurjar, and one Dr. Shivnarayan, an independent witness was also examined on 08.02.2009, wherein, he had also identified the body of the deceased as that of Bansilal Gurjar stating that since he is residing nearby Bansilal Gurjar's house, and is also residing in the same village since last 22 years, he knows Bansilal Gurjar very well, however, the same Dr. Shivnarayan has again given his statement on 10.02.2015, wherein, he has stated that he was called by the Police to identify the body while he was on his way to distribute the marriage invitation cards of his two daughters, and was made to sit in the police station the entire night, and in the next morning he was taken to identify the body, and was shown the body in the hospital, who had put on t-shirt, jeans and sports shoes of Bansilal Gurjar, and the Head Constable Bhagwan Singh also showed the face of the deceased to him and told him that the body is of Bansilal Gurjar, however, this witness told him that the body was not of Bansilal Gurjar, however, Bhagwan Singh insisted that Bansilal Gurjar is also known to him, and thereafter, he was made to give his statement that he had identified Bansilal Gurjar, and when he protested, he was threatened by the police personnel that whether he wants to marry his daughters or not, who were due to marry in a short period of time, as he had gone to distribute invitation card only when he was taken to the police station. This witness has stated that as he was threatened by TI Parshuram Singh Parmar, and he was forced to wrongly identify the body.



14] It is also found that Bansilal Gurjar's body was also identified through *panchnama* dated 08.02.2009, including the uncle of Bansilal Gurjar, who had also affirmed that the body belong to Bansilal Gurjar. Bansilal Gurjar's brother Ramcharan had also affirmed that the body belongs to his brother only. Along with the body, a diary (with Bansilal Gurjar's name written on it) along with some bills and photographs were also found in the purse of the deceased, who had died in the fake encounter.

15] The applicant Anil Patidar had also placed on record the earlier summons issued to him in the year 2017.

16] After Bansilal Gurjar was arrested, he also informed that the dead body of the person who was identified as himself was obtained from some hospital at Udaipur, Rajasthan with the help of local Police Officers and one Mangal Patwa, a resident of Kukreshwar and also with the help of a medical shop owner Rajendra Patidar, although, Rajendra Patidar has denied the allegations made by Bansilal Gurjar.

17] On a careful perusal of the case-dairy, it is found that the CBI has also recorded the statement of Ved Prakash, retired IG, M.P. Police, who was posted as the Superintendent of Police, Neemuch from November, 2008 to 28.06.2009, and according to him, he had received an information on 07.02.2009 between 10:30 p.m. to 11:00 p.m. from his constable Hasrat Pathan informing that as per the information received from informant Narendra Prajapati, who had some information regarding Bansilal Gurjar, who was involved in a case of attack on police personnel, that he would be coming to M.P. from a certain road, he (Ved Prakash) had conveyed this information to the then SDOP Anil Patidar, the applicant in M.Cr.C No.24925/2025, and also instructed him to inform the four police parties, already formed for



nabbing Bansilal Gurjar, and also informed him that Bansilal Gurjar keeps a weapon with him, hence proper precaution be taken in this regard. Ved Prakash has also stated that after the encounter took place, the deceased was identified by T.I. Parshuram.S. Parmar, and a sepoy and a head constable of the police station, and at that time T.I. Parmar was also standing there and he also did not raise any objection about the information which was given by Anil Patidar. Subsequently, the Executive Magistrate, in his enquiry has found the encounter as narrated by the police party, and it was found that Bansilal Gurjar had died in the incident.

18] It is also apparent that during the course of investigation, when the CBI recorded the statements of various witnesses, the witnesses have resiled from their earlier statements, and have stated that they were forced by the police to wrongly identify the deceased, and none of the witnesses have disclosed the name of the applicant Anil Patidar, as the person who forced them or persuaded them to identify the wrong person, instead, they have taken the name of Parshuram Singh Parmar, T.I. of the Police Station, Kukreshawar. TI Parmar's name has also been taken by the Bansilal Gurjar himself, who had stated that TI Parmar had told him that he would manage everything, and he would not be searched by the police party anymore. It is rather surprising that the case-dairy is silent about the absence of T.I. Parshuram Singh Parmar.

19] In such circumstances, when the applicant Anil Patidar was available to the CBI throughout since 2014, and it is also not anybody's case that the applicants has absconded or has not turned up on his duties, this Court is of the considered opinion that under the facts and



circumstances of the case, his custodial interrogation would not be necessary.

20] So far as the applicant Mukhthar Rashid Qureshi is concerned, for the reasons as discussed hereinabove and considering the fact that it was Parshuram Singh Parmar, around whom the entire story of the prosecution revolves, and whose name is also mentioned by the then Superintendent of Police Ved Prakash in his statement given to the CBI as also by the main accused Bansilal Gurjar in his disclosure statement, and the fact that the Anil Patidar has already been granted anticipatory bail, this Court finds that the present applicant, who was posted at another police station, and had gone to the spot only when he was called, also deserves to be released on anticipatory bail.

21] Accordingly, this applications are **allowed**. It is directed that in the event of arrest, applicants **Anil Patidar** and **Mukhthar Rashid Qureshi** shall be released on bail, upon their executing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each and furnishing separate solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer). The applicants shall make themselves available for interrogation by a Police Officer, as and when required. They shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

22] M.Cr.C.s stand ***allowed*** and ***disposed of***.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE