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MCRC-40739-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 9th OF SEPTEMBER, 2025MISC. CRIMINAL CASE No. 40739 of 2025*MAHENDRA JAIN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Upendra Sharma - Advocate for applicant.

Shri Samar Ghuraiya - Public Prosecutor for respondent/State.

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ORDER

This is first application filed under Section 482 of BNSS for grant of anticipatory bail.

2. The applicant apprehends his arrest in connection with Crime No.462/2025 registered at Police Station Kotwali District Ashoknagar for offence punishable under Sections 353(2), 352, 356(2) of BNS.

3. As per prosecution case, complainant Pradeep Pal, resident of Khalsa Colony, Ashoknagar, submitted a written report at Police Station Kotwali alleging that on 24.08.2025 at about 11:00 p.m., he received on WhatsApp a screenshot from his friend Bablu Yadav, showing a derogatory post from the Facebook ID of Mahendra Jainminda against a Member of Parliament and Union Minister, which caused anger among his supporters. Along with his report, the complainant submitted the screenshot, the profile of Mahendra Jainminda, and a pen-drive containing screen-recording of the



post. On this basis, Crime No. 462/2025 was registered at Police Station Kotwali, Ashoknagar under Sections 352, 353(2), and 356(2) of the Bharatiya Nyaya Sanhita, 2023, and investigation is in progress.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The offences alleged under Sections 352, 353(2), and 356(2) of the Bharatiya Nyaya Sanhita, 2023 are not punishable with mandatory sentence. The applicant has no criminal antecedents. Confinement would bring personal inconvenience and social disrepute. He undertakes to cooperate in the investigation/trial and keep himself available as and when required. Thus, it is prayed that the benefit of anticipatory bail be extended to the applicant.

5. Per contra, learned counsel for the respondent/State opposed the present anticipatory bail application and prayed for its rejection by submitting that the investigation in the matter is pending.

6. Heard learned counsel for the parties and perused the case diary.

7. Taking into account that the offences alleged under Sections 352, 353(2), and 356(2) of the BNS, 2023 are not punishable with mandatory sentence and the nature of accusation, without expressing any opinion on the merits of the case, this Court intends to allow this application under Section 482 of BNSS, 2023.

8. Accordingly, the present anticipatory bail application is allowed. It is hereby directed that in the event of arrest, applicant shall be released on bail on furnishing a personal bond of Rs.50,000/-(Rupees Fifty Thousand Only) with two solvent sureties of the like amount to the satisfaction of



Investigating Officer/Investigating Agency.

9. This order will remain operative subject to compliance of the following conditions by the applicant :-

(1). The applicant will comply with all the terms and conditions of the bond executed by him;

(2). The applicant will cooperate in the investigation/ trial, as the case may be;

(3). The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

(4). The applicant shall not commit an offence similar to the offence of which he is accused;

(5). The applicant will not seek unnecessary adjournments during the trial;

(6). The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

10. Copy of this order be sent to the trial Court/Police Station concerned for compliance.

11. Certified copy as per rules.

(MILIND RAMESH PHADKE)
JUDGE

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