

(2026) 03 MP CK 0861

In the Madhya Pradesh High Court, Indore Bench

Case No : Miscellaneous Criminal Case No. 11282 Of 2026

Kanha @ Kanhaiya Singh

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 20-03-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Bharatiya Nyaya Sanhita, 2023 — Section 64(2)(m), 65(2), 87, 137(2)
Protection Of Children From Sexual Offences Act, 2012 — Section 3(A), 4(2), 5(m), 6
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(w)(II), 3(2)(v)

Citation : (2026) 03 MP CK 0861

Hon'ble Judges : Sanjeev S Kalgaonkar, J

Bench : Single Bench

Advocate : Utkarshkumar Rasendukumar Joshi, Viraj Godha

Final Decision : Dismissed

Judgement

Sanjeev S Kalgaonkar, J

1. Learned counsel for the State submits that victim has duly been informed about filing of the bail application.

2. This second application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No. 548 of 2025 registered at Police Station - Station Road, District Ratlam (M.P.) for offence punishable under Sections 137(2), 65(2), 64(2)(m), 87 of BNS, 2023; sections 3(A), 4(2), 5(m)/6 of of POCSO Act, 2012 and Sections 3(1)(w)(II), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989. Applicant is in judicial custody since 10.09.2025. His first bail application was dismissed as withdrawn with liberty to renew the prayer after examination of the injured vide order dated 25.11.2025 passed in M.Cr.C. No. 52508/2025.

3. Heard the arguments.

4. Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

5. Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the alleged offence. It is a case of romantic relationship between the applicant and elder sister of the victim. Elder sister of the victim has lodged FIR against the applicant on false accusation. When no strict action was taken by Police, another false accusation was lodged by younger sister to implicate the applicant. No offence, as alleged, is committed by the applicant. The material prosecution witnesses Victim (PW1) and her mother (PW2) have been examined. The trial would take time to conclude. There is no likelihood of tampering with evidence by the applicant for the reason that he is a labourer and is not capable of influencing the remaining witness. Jail incarceration is causing hardship. Applicant is ready to cooperate in the trial.

6. Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence. Learned counsel referred to one criminal antecedent of the applicant. Applicant is aged around 30 years and is a driver by profession.

7. As per accusation on case diary, applicant, aged around 30 years, allured the minor victim aged about 11 years by offering her a chocolate and committed penetrative sexual assault with her. On the said allegation, the applicant was arrested on 10.09.2025. He is in custody ever since then. The final report was submitted on completion of investigation. The trial is underway.

8. The material on record suggest that the applicant, a married person, was tenant in the neighbourhood of the victim. He first attempted to abduct the elder sister of the victim, therefore, FIR at crime No.259/2025 was registered at the instance of the elder sister of the victim. Thereafter, the victim informed her mother that the applicant had sexually exploited her a month ago so present FIR at crime No.548/2025 was registered against the applicant at Police Station Station Road, District Ratlam. Prima facie, the possibility of sexual stalking and sexual assault with the sisters by married applicant could not be ruled out. The trial is progressing at appropriate pace. The grant of bail in present matter may have ramifications on social order and the morals of victim's family. Considering the aforesaid factual scenario, this Court is of the considered opinion that the applicant does not deserve to be released on bail.

7. Consequently, present application is dismissed.

CC as per rules.