

(2025) 09 MP CK 1042

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Miscellaneous Criminal Case No. 43832 Of 2025

Saurabh Jain

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 225(1), 225(2), 482
Bharatiya Nyaya Sanhita, 2023 — Section 61(2), 316(2), 316(5), 318(4)
Negotiable Instruments Act, 1881 — Section 138
Code Of Criminal Procedure, 1973 — Section 156(3)

Citation : (2025) 09 MP CK 1042

Hon'ble Judges : Rajesh Kumar Gupta, J

Bench : Single Bench

Advocate : Dinesh Kumar Agrawal, Saket Udeniya, Anshu Gupta

Final Decision : Dismissed

Judgement

Rajesh Kumar Gupta, J

1. This is first application filed by the applicant under Section 482 of B.N.S.S. for grant of anticipatory bail relating to Crime No. 563/2025 registered at Basoda City, District - Vidisha (M.P.) for the offence under Sections 316(2), 316(5), 318(4) and 61(2) of BNS.

2. Present FIR is arising out of the private complaint filed under Section 156(3). Short facts of the case are that cheques amounting to Rs. 18,00,000/- and 17,00,000/- were given by the present applicant and co-accused persons to the complainant have been dishonored regarding business transaction.

3. Counsel for the applicant has argued that applicant is innocent and has falsely been implicated in the present case. Investigation is almost complete and charge sheet is likely to be filed. It is further submitted that once the private complaint under Section 138 of the N.I. Act was registered on 19.06.2025, the FIR for any offence under Sections 318(4), 316(2), and 316(5) of the BNS is an absolute

abuse of the process of law, and any arrest of the applicant would constitute a miscarriage of justice. It is further submitted that the alleged two dishonoured cheques were neither signed by the applicant nor issued from the account maintained by the applicant. It is further submitted that without compliance with Sub-sections (1) and (2) of Section 225 of the BNSS, the investigation and registration of the FIR is unauthorized and absolutely illegal, as has been held by the Hon'ble Supreme Court in the case of Shiv Jatia v. Gian Chand, reported in (2024) 4 SCC 289. It is further submitted that the matter involves civil overtones and the present FIR has been lodged just to give criminal colour to a civil dispute. He further placed reliance upon the judgment passed by the Hon'ble Supreme Court in the case of Arshad Neyaz Khan Vs. State of Jharkhand and Anr. passed in SLP (Cri) No. 3606 of 2024 and in the case of Delhi Race Club (1940) Limited and ors Vs. State of U.P. and others, reported in (2024) 10 SCC 690. He is willing to deposit the alleged amount before the learned trial Court. He is ready to abide by all the terms and conditions as may be fixed by this Court while granting bail. Final Conclusion of trial shall take sufficiently long time. Hence, prayed for grant of anticipatory bail to the applicant.

4. Per contra, counsel for the State as well as counsel for the complainant vehemently opposed the bail application, stating that the case was registered only after the Trial Court interfered in a private complaint filed by the complainant. At this stage, the applicant is trying to obtain bail by depositing money before the Trial Court, as alleged in the matter. It is further submitted that this is a case of criminal breach of trust wherein the applicant's intention is very clear: on one hand, he issued two cheques, and on the other, he stopped the payment. He further submits that trust is a milestone of any business, but the same has been destroyed by the present applicant. In such circumstances, the judgments relied by the applicant are of no help to the applicant. Therefore, they prayed for the dismissal of the bail application.

5. Considering the nature of the allegation and the role played by the applicant, this Court is of the opinion that this is not a fit case to grant anticipatory bail to the present applicant at this stage.

6. Accordingly, present bail application is hereby dismissed.