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MCRC-23344-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 13th OF OCTOBER, 2026MISC. CRIMINAL CASE No. 23344 of 2026

CNR No.: MPHC020195052026

*HARISINGH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Santosh Kumar Meena - Advocate for the petitioner.

Hemant Sharma appearing on behalf of Advocate General.

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ORDER

1] They are heard and perused the case diary.

2] This is the applicant's 4th ail application filed under Section 483 of *Bharatiya Nagarik Suraksha Sanhita*, 2023/ Section 439 of Cr.P.C. as he is implicated in connection with Crime No.95/2024 registered at Police Station Y. D. Nagar, District- Mandsaur (MP) for offence punishable under Sections 365, 376, 376(D), 376(2)(L) & 34 of IPC and Section 92(D) of The Rights of Persons with Disabilities Act, 2016. The applicant is in custody since 23.03.2024. His first bail application M.Cr.C. No.13821 of 2025 has already been dismissed by this Court on 21.07.2025 on merits and second was dismissed on 27.10.2025 and third was dismissed on 30.04.2026 in MCRC No.16005/2026.

3. Vide order dated 24.07.2026, the directions were issued to all the



duty holders to extend the support system so that statements of the victim could be recorded.

4. A report received from the trial Court dated 29.07.2026 and a report received from District Legal Service Authority, Mandsaur dated 18.09.2026 mentions that presently, the prosecutrix is not in a condition to depose and she requires further treatment including psychological treatment.

5. The DNA report dated 25.07.2024 is positive in respect of the present applicant examined in connection with samples of Article B and C. Accordingly, At present no case for bail is made out and the application is rejected.

6. Now, this Court find it a fit case to remind the authorities concerned that that the victim requires proper care, treatment, compensation and rehabilitation of the victim. The victim is entitled for free treatment in Govt. Hospital as well as in the private hospital as per Section 397 of BNSS, 2023 which is being reproduced as under:-

"397. Treatment of victims.

All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 64, section 65, section 66, section 67, section 68, section 70, section 71 or sub-section (1) of section 124 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8



or section 10 of the Protection of Children from Sexual Offences Act, 2012, and shall immediately inform the police of such incident".

7. Pursuant to the order dated 24.07.2026, this Court is not intimated whether the victim has been provided the interim compensation as per the Scheme of the Govt. or not.

8. The Secretary, District Legal Services Authority, Mandsaur is directed to ensure compliance for providing the interim compensation to the victim, if not already provided or under process.

9. The in matters of rape and gang-rape, the victims could not be suffered due to non-availability of the legal assistance so District Legal Services Authority shall provide a competent and experienced Advocate to address the trial Court as well as the concerned authorities to ensure the rights of the victims contacting her parents.

10. In this case, all the duty holders shall ensure Medical as well as Psychological and counseling facilities are being provided to the victim and till the victim recovers, arrangement including the transport facility for presence of the victim before the trial Court be ensured for recording her statements before the trial Court.

11. Apart from the present case, this court has noticed that the compliance of Section 397 of BNSS, 2023 are not being complied with by the concerned authorities without interference of the Courts. Such facilities and compensations should be extended timely so that the ends of justice be not frustrated and if any of the victims suffers psychologically due to non-



compensation or non-availability of better treatment either by prosecution or by Health Department, the same is tantamount to second victimization of survivor inviting liability for non-compliance of mandate of law.

12. Accordingly, Additional Chief Secretary, Department of Medical Education, Govt. of Madhya Pradesh is directed to ensure the compliance of Section 397 of BNSS, 2023 so that the rights of the victims within the territory of the State of Madhya Pradesh are not affected at any point of time either in Govt. Hospital or in Private Hospital and is further directed to issue necessary directions for compliance of Section 397 of BNSS, 2023 to District Magistrate and Chief Medical and Health Officers of all the Districts as well as the Private Hospitals and Diagnostic Centers within the territorial jurisdiction of State of Madhya Pradesh for necessary compliance of Section 397 of BNSS, 2023.

13. A copy of this order be forwarded to: -

- i. The learned trial Court concerned;
- ii. Addl. Chief Secretary, Department of Medical Education, Govt. of Madhya Pradesh for information and necessary circulation;
- iii. The Secretary, District Legal Services Authority, Mandsaur and
- vi. The Station House Officer, Police Station- Y.D. Nagar, District- Mandsaur (M.P.),

(GAJENDRA SINGH)
JUDGE