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MCRC-7860-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 23rd OF FEBRUARY, 2026

MISC. CRIMINAL CASE No. 7860 of 2026

MUNENDRA SINGH

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Awdhesh Singh Bhadauria - Advocate for the applicant.

Shri Mohit Shivhare - Public Prosecutor for the State.
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ORDER

This is the **first** bail application 483 of BNSS (439 of Cr.P.C.) filed by the applicant for grant of bail. He has been arrested on 05.02.2026 by Police Station Padav, District Guna (M.P.) in connection with Crime No.21 of 2026 registered in relation to offence punishable under Sections 132, 121(1), 127(2), 281, and 125-A of the Bharatiya Nyaya Sanhita, 2023.

[2] As per prosecution story, Constable Bakendra Malaya of Police Station Gole Ka Mandir, along with complainant Constable Ravi Kumar Vimal, was on duty on 04.02.2026 in front of DB Mall, where an NSG mock drill was being conducted. They were deployed for traffic management under the supervision of the Deputy Superintendent of Police (Traffic), along with fellow Constable Digambar Sharma and driver Constable Devendra Kumar. In the intervening night of 04.02.2026 and 05.02.2026, at about 00:10 AM, a white Honda Amaze car bearing registration No. MP 07-CJ-1124 was being



driven from the Bus Stand Tiraha side in a rash and negligent manner. On the instructions of Constable Digambar Sharma, the complainant signaled the vehicle to stop and placed a stopper. However, in order to avoid challan and checking, and with intention of obstructing Government work, the driver accelerated the vehicle and hit him. Thereafter, the driver and two other persons sitting in the car pulled the complainant inside the vehicle and pushed him near the gate. One of the occupants threw him onto the bonnet of the car, and he was dragged on the bonnet for about 30–40 meters. The driver then suddenly applied brakes, due to which the complainant fell headfirst from the bonnet onto the ground. As a result, he sustained injuries to his head and leg, and bleeding occurred. The driver of the said car fled from the spot. A wireless message was immediately sent to the Control Room to intercept and apprehend the vehicle. Acting on the information, the police personnel deployed on FRV-20 of Police Station Gole Ka Mandir intercepted and caught the said car. Apart from the driver, two other persons were found seated in the vehicle. The driver disclosed his name as Ankit Gurjar, and the other two occupants revealed their names as Munendra Bhadauria and Shohil Khan. Thereafter, the complainant Constable Ravi Kumar Vimal was taken to Parivar Hospital for medical treatment. On the basis of the report given by complainant Constable Ravi Kumar Vimal, alleged crime bearing No.21 of 2026 was registered at the concerned police station under Sections 132, 121(1), 127(2), 281 and 125(A) of the BNS. The matter was taken up for investigation. During investigation, a site map of the place of occurrence was prepared, statements of witnesses were recorded,



and the vehicle used in the offence was seized. The accused persons were arrested. Further investigation in the case is ongoing.

[3] Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He is in custody since 05.02.2026. It is further submitted that the applicant was merely a passenger in the vehicle and was not driving the car at the time of the alleged incident. The entire allegation of rash and negligent driving is specifically attributed to the co-accused who was driving the vehicle. There is no specific overt act assigned to the present applicant demonstrating that he shared any common intention to obstruct a public servant in discharge of official duty or to cause injuries to the complainant. The allegations against the applicant are general and omnibus in nature and do not disclose his active participation in the commission of the alleged offence. Learned counsel further submits that the applicant is a permanent resident of District Bhnd and there is no likelihood of his absconding or tampering with prosecution evidence. The vehicle in question has already been seized, statements of material witnesses have been recorded, and the applicant is no longer required for custodial interrogation. Continued detention of the applicant would therefore serve no useful purpose. It is also argued that the offences alleged, though serious in nature, are based primarily on the version of the complainant, and the role of the present applicant is yet to be established during trial. The trial is likely to take considerable time to conclude, and prolonged pre-trial incarceration would amount to punitive detention before adjudication of guilt.

[4] Learned counsel for the applicant has further placed reliance on the



judgment of the Hon'ble Supreme Court in the matter of **Satender Kumar Antil v. Central Bureau of Investigation**, reported in (2022) 10 SCC 51 and submitted that the Hon'ble Apex Court, in the aforesaid decision, has comprehensively laid down the principles governing grant of bail and has emphasized that arrest and detention should not be mechanical, particularly when the accused has cooperated with the investigation and the offences are triable by a Magistrate. In the present case, the investigation is substantially complete, and no further custodial interrogation is required. He is ready to abide by the terms and conditions as may be imposed. With the aforesaid submissions, prayer for grant of bail is made out.

[5] *Per contra*, learned Public Prosecutor for the State has vehemently opposed the bail application and submits that the present case is of a grave and serious nature involving a direct assault on a police constable who was discharging his official duties during a sensitive security arrangement in connection with an NSG mock drill. It is further submitted that the incident was not a simple case of rash and negligent driving, but a deliberate and concerted act committed with intention to obstruct a public servant from performing his lawful duty and to evade lawful checking. It is further submitted that when the complainant signaled the vehicle to stop and placed a stopper in the course of official duty, the driver, along with the co-accused persons including the present applicant, acted in furtherance of their common intention and accelerated the vehicle, resulting in the complainant being hit. Thereafter, the complainant was allegedly pulled, thrown onto the bonnet of the moving vehicle, and dragged for a considerable distance, thereby



endangered his life. Such conduct demonstrates not only rashness but a clear intention to deter a public servant from discharge of his duty, attracting the stringent provisions invoked in the case. It is further submitted that the present applicant was not a mere passive passenger, but an active participant in the incident and the allegations specifically indicate that the occupants of the vehicle collectively acted against the complainant. At this stage, the role attributed to the applicant cannot be brushed aside, and the plea of false implication is a matter of trial.

[6] It is also submitted that the investigation is still ongoing and certain aspects are yet to be examined. If the applicant is released on bail at this stage, there is every likelihood that he may influence witnesses or hamper the investigation. Considering the gravity of the offence, the manner of commission, and the impact on public order, the applicant does not deserve the discretionary relief of bail. On these grounds, it is prayed that the bail application be rejected.

[7] Having considered the rival submissions and upon perusal of the material available on record, this Court finds that the allegations against the applicant are serious in nature and the prosecution case disclosed that the complainant, a police constable, was discharging his official duties at the time of the incident. Despite being signaled to stop for lawful checking, the vehicle in question was allegedly driven in a rash and deliberate manner, resulted in the complainant being hit, dragged on the bonnet of the car, and sustained injuries. The manner in which the incident is alleged to have occurred *prima facie* indicated a concerted act on the part of the occupants of



the vehicle to obstruct and deterred a public servant from performing his official duty.

[8] At this stage, the statements recorded during investigation and the circumstances surrounding the incident do not persuade this Court to hold that the applicant's role is so minimal as to entitle him to the discretionary relief of bail. The gravity of the offence, the nature of the allegations, and the impact of such conduct on public administration, particularly when it involves an attack on a police personnel on duty, weigh against the applicant.

[9] Learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in *Satender Kumar Antil v. Central Bureau of Investigation* (supra) to contend that arrest and continued incarceration should not be mechanical, particularly where the offences are triable by a Magistrate and custodial interrogation is not required.

[10] This Court has carefully considered the aforesaid decision. In *Satender Kumar Antil* (supra), the Hon'ble Apex Court primarily dealt with the issue of unnecessary arrests, prolonged incarceration, and the need to rationalize bail jurisprudence in cases where the accused had cooperated with the investigation and where the offences were not of such gravity as to warrant continued custody. The judgment laid down broad guidelines to prevent routine arrests and to streamline the grant of bail in appropriate categories of cases.

[11] However, the facts of the present case stand on a distinct footing. The allegations herein disclose a *prima facie* deliberate and concerted act resulting in an assault upon a police constable who was discharging official



duties in connection with a sensitive security arrangement. The nature of the accusations, the manner of commission of the offence, and the stage of investigation differentiate the present case from the factual matrix contemplated in *Satender Kumar Antil* (supra). The said judgment does not lay down an absolute proposition that bail must be granted in every case where investigation is substantially complete, irrespective of the gravity and surrounding circumstances. Accordingly, the reliance placed upon *Satender Kumar Antil* (supra) does not advance the case of the applicant in the peculiar facts and circumstances of the present matter, and the same stands distinguished.

[12] This Court is mindful of the settled principles governing grant of bail; however, considering the seriousness of the accusations, the manner of commission of the offence, and the stage of investigation, this Court is not inclined to exercise its discretion in favour of the applicant.

[13] Before parting with the matter, it is necessary to express this Court's serious concern regarding the conduct of Shri Awdhesh Singh Bhadauria, learned counsel appearing for the applicant. Shri Bhadauria has already been held guilty of criminal contempt by this Court vide order dated 26.04.2024 in Contempt Petition (Criminal) No. 15 of 2018. The said judgment attained finality when the Hon'ble Supreme Court in Criminal Appeal No(s). 2560 of 2024 declined to interfere with the finding of guilt and merely reduced the quantum of costs. Therefore, the conviction for criminal contempt remains subsisting.

[14] Relevant extract of the order dated 26.04.2024 reads as under:



"19. On being asked to address on the quantum of punishment to be awarded to the respondent-contemnor who is present in person, he submits that today he has moved an application for seeking unconditional apology of this Court and prays that in view of the said apology, the proceedings may be dropped though in the application the respondent-contemnor has not withdrawn the contentions as raised by him in the reply and the applications, but he only submits that he may be pardoned for his act and in future the same shall not be repeated.

20. The respondent party in person though has submitted I.A. No.5614 of 2024 and has orally resiled from the contention earlier raised and had tendered his apology but since he has already been held guilty for criminal contempt as defined u/s 2(c) of the Contempt of Courts Act, the language which is used in his application and complaint and the allegations leveled against Hon'ble Judges repeatedly despite various warnings having been given to him coupled with the fact it is found that his apology appears just to save the skin, therefore, this Court while exercising powers under Article 215 of the Constitution deems it appropriate to impose punishment upon him. In this regard, reference can be had of the decision of the Hon'ble Supreme Court in the case of Vijay Kurlle, In re, (2021)13 SCC 616 wherein it is



held :

“11. Samaraditya Pal in The Law of Contempt [Pp. 9-10, The Law of Contempt : Contempt of Courts and Legislatures, 5th Edn., LexisNexis Butterworths Wadhwa, Nagpur (2013)] has very succinctly stated the legal position as follows:

“Although the law of contempt is largely governed by the 1971 Act, it is now settled law in India that the High Courts and the Supreme Court derive their jurisdiction and power from Articles 215 and 129 of the Constitution. This situation results in giving scope for “judicial selfdealing”.”

12. The High Courts also enjoy similar powers like the Supreme Court under Article 215 of the Constitution. The main argument of the alleged contemnors is that notice should have been issued in terms of the provisions of the Contempt of Courts Act and any violation of the Contempt of Courts Act would vitiate the entire proceedings. We do not accept this argument. In view of the fact that the power to punish for contempt of itself is a constitutional power vested in this Court, such power cannot be abridged or taken away even by legislative enactment.”

21. In Re : Perry Kansagra (2022 SCC OnLine SC 1516), the Hon’ble Supreme Court held as under :-

“24. It is now well settled that the power of the



Supreme Court to punish for contempt is not confined to the procedure under the Contempt of Courts Act. In Pallav Sheth vs Custodian (2001) 7 SCC 549, this Court held that:—

“30. There can be no doubt that both this Court and High Courts are courts of record and the Constitution has given them the powers to punish for contempt. The decisions of this Court clearly show that this power cannot be abrogated or stultified. But if the power under Article 129 and Article 215 is absolute, can there be any legislation indicating the manner and to the extent that the power can be exercised? If there is any provision of the law which stultifies or abrogates the power under Article 129 and/or Article 215, there can be little doubt that such law would not be regarded as having been validly enacted. It, however, appears to us that providing for the quantum of punishment or what may or may not be regarded as acts of contempt or even providing for a period of limitation for initiating proceedings for contempt cannot be taken to be a provision which abrogates or stultifies the contempt jurisdiction under Article 129 or Article 215 of the Constitution.”

25. The above said principle is followed in Re : Vijay Kurle (supra), where this Court reiterated the above referred principle and held as under:—

“38. The aforesaid finding clearly indicates that the



Court held that any law which stultifies or abrogates the power of the Supreme Court under Article 129 of the Constitution or of the High Courts under Article 215 of the Constitution, could not be said to be validly enacted. It however, went on to hold that providing the quantum of punishment or a period of limitation would not mean that the powers of the Court under Article 129 have been stultified or abrogated. We are not going into the correctness or otherwise of this judgment but it is clear that this judgment only dealt with the issue whether the Parliament could fix a period of limitation to initiate the proceedings under the Act. Without commenting one way or the other on Pallav Seth's case (supra) it is clear that the same has not dealt with the powers of this Court to issue suo motu notice of contempt.

39. In view of the above discussion we are clearly of the view that the powers of the Supreme Court to initiate contempt are not in any manner limited by the provisions of the Act. This Court is vested with the constitutional powers to deal with the contempt. Section 15 is not the source of the power to issue notice for contempt. It only provides the procedure in which such contempt is to be initiated and this procedure provides that there are three ways of initiating a contempt - (i) suo motu (ii) on the motion by the Advocate General/Attorney General/Solicitor General and (iii) on the



basis of a petition filed by any other person with the consent in writing of the Advocate General/Attorney General/Solicitor General. As far as suo motu petitions are concerned, there is no requirement for taking consent of anybody because the Court is exercising its inherent powers to issue notice for contempt. This is not only clear from the provisions of the Act but also clear from the Rules laid down by this Court.”

22. A Division Bench of Jabalpur Bench of this Court in Contempt Petition (Criminal) No.11 of 2012 (Mukesh Kumar Agrawal vs. Shri Gulab Kothari, Managing Director cum Owner, Patrika Daily Newspaper and others) by order dated 17.08.2023 has passed the following order:-

“(i) The respondents No.2 and 3 shall pay the fine of Rs.4,000/- (Rs.2,000/- each) before the Registry of this Court within fifteen days from the date of receipt of a copy of this order, failing which they are directed to undergo simple imprisonment for a period of ten days.

(ii) The respondents No.2 and 3 shall deposit the cost of Rs.2,00,000/- (Rs.1,00,000/- each) before the Madhya Pradesh High Court Employees Association, Jabalpur (S.B. A/c No.519302010000235, Union Bank of India, High Court Branch, Jabalpur) within fifteen days from the date of receipt of a copy of this order.”



23. The aforesaid order has been affirmed by the Hon'ble Supreme Court by an order dated 24.11.2023 passed in Special Leave to Appeal (Crl.) No.14678 of 2023 (Dhananjay Pratap Singh and another vs. Mukesh Kumar Agrawal).

24. For all the aforementioned reasons and considering the law laid down by the Hon'ble Supreme Court in the aforesaid cases, we are of the considered view that imposing fine and cost on the respondent Contemnor instead of sending him to jail would be a just and appropriate punishment. Hence, we pass the following orders:-

(i) Respondent-contemnor is held guilty of committing a criminal contempt as defined u/s. 2(c) of the Contempt of Courts Act, 1971;

(ii) The respondent-contemnor shall pay a fine of Rs.2,000/- before the Registry of this Court within fifteen days from the date of receipt of a copy of this order, failing which he is directed to undergo simple imprisonment for a period of 10 days.

(iii) The respondent-contemnor shall pay costs of Rs.5,00,000/- (Rupees Five Lakhs) with the M.P. High Court Bar Association, Gwalior (SB A/c No.326802012000285, IFSC CODE: UBIN0563561, Union Bank of India, Branch High Court, Gwalior) within fifteen days from the date of



receipt of a copy of this order.

25. The contempt petition (criminal) is hereby disposed off. All the aforementioned I.As also stand disposed off."

[15] Relevant extract of the order dated 17.05.2024 passed by the Hon'ble Supreme Court reads as under:

"2. We are not inclined to interfere with the impugned order passed by the High Court.

3. However, the fine amount of Rs.5,00,000/- imposed on the appellant vide the impugned order is reduced to Rs.1,00,000/-.

4. The criminal appeal stands disposed of."

[16] Rule 16 of the High Court of Madhya Pradesh (Conditions of Practice) Rules, 2012, explicitly mandates that no advocate who has been found guilty of criminal contempt shall appear, act, or plead before this Court or any subordinate Court in the District where the contempt was committed unless the contempt has been duly purged. In the present case, there is no material on record to indicate that Shri Bhadauria has undertaken any steps to purge himself of the contempt. Mere modification of the fine by the Hon'ble Supreme Court does not amount to exoneration nor does it constitute purgation under the law.

[17] Despite this, Shri Bhadauria was/is appearing and arguing the cases. Here, during the hearing on the bail application, he repeatedly attempted to divert the proceedings from the bail issues, raised matters



already concluded by judicial orders, and made insinuatory and provocative remarks. His submissions were argumentative beyond permissible limits and bordered on defiance of judicial discipline. He attempted to introduce personal vindication, challenge settled findings, and focus on extraneous matters rather than the merits of the application.

[18] The tone, tenor, and manner of submissions reflected a deliberate attempt to intimidate and influence the Court, rather than to responsibly argue the merits of the case. His submissions exhibited a lack of restraint, decorum, and adherence to the ethical standards expected of an officer of the Court. The Court notes that advocacy carries with it not merely the right to argue zealously on behalf of a client, but also a concomitant duty to uphold the dignity, authority, and decorum of the judicial process. In this instance, the conduct of Shri Bhadauria fell short of these responsibilities.

[19] The legal position in this regard is well settled. The Hon'ble Supreme Court in **Supreme Court Bar Association v. Union of India** reported in 1998 4 SCC 409 reaffirmed that constitutional courts have the inherent power to regulate the appearance of advocates to ensure discipline and decorum, distinct from disciplinary control vested in Bar Councils. In **Bar Council of India v. High Court of Kerala** reported in 2004 6 SCC 311 and **Mahipal Singh Rana v. State of Uttar Pradesh** reported in 2016 8 SCC 335, it was held that the right to practice law is subject to regulatory control, and an advocate's conduct in court may justify limitation or debarment from appearance. Further, in **R. Muthukrishnan v. High Court of Madras** reported in 2019 16 SCC 407, the Hon'ble Apex Court held that constitutional courts



possess inherent powers to debar an advocate from appearing in appropriate cases to preserve dignity and orderly functioning.

[20] In the instant matter, the combination of a subsisting conviction for criminal contempt, lack of any purgation, and the aggressive, distracting, and defiant conduct displayed by Shri Bhadauria during the hearing, demonstrates not only a violation of Rule 16 of the Rules, 2012 but also a disregard for the authority and majesty of the Court. Such conduct tends to undermine the institutional discipline and the orderly administration of justice.

[21] In view of Rule 16 of the High Court of Madhya Pradesh (Conditions of Practice) Rules, 2012, and in light of the order dated 26.04.2024 passed in Contempt Petition (Criminal) No. 15 of 2018, whereby Shri Awdhesh Singh Bhadauria was held guilty of criminal contempt—an order which has attained finality upon affirmation by the Hon'ble Supreme Court—this Court is constrained to take cognizance of the continued appearance of Shri Bhadauria before this Court without any material demonstrating that the contempt has been duly purged.

[22] Accordingly, in exercise of the constitutional and inherent powers vested in this Court to ensure adherence to its Rules and to maintain the dignity and orderly functioning of judicial proceedings, the Office is directed to issue a show-cause notice to Shri Awdhesh Singh Bhadauria, calling upon him to explain under what authority he was/is appearing, acting, and pleading before this Court in the absence of compliance with Rule 16 of the Rules, 2012.



[23] The Office is further directed to issue notice to the State Bar Council to inform this Court of the steps taken, if any, pursuant to the aforesaid order dated 26.04.2024, as affirmed by the Hon'ble Supreme Court, and if not taken, action would be taken as may be warranted in accordance with law.

[24] Both notices shall be issued within seven days from 26.02.2026 and shall be made returnable within four weeks thereafter.

[25] List the matter in the week commencing 06.04.2026 for further consideration under the head "Direction".

[26] A copy of this order shall be forwarded to the Registrar General through the Principal Registrar of this Bench to be placed before the Hon'ble Chief Justice for information and to the State Bar Council for compliance.

[27] In view of the serious nature of the allegations, the gravity of the offence, and the ongoing investigation, the bail application of Munendra Singh is hereby **dismissed**.

(MILIND RAMESH PHADKE)
JUDGE