



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 10th OF FEBRUARY, 2026

MISC. CRIMINAL CASE No. 6398 of 2026

JITENDRA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Pradeep Singh Chouhan - Advocate for the applicant.

Ms. Swati George - Government Advocate for the respondents/State.

ORDER

Case diary is available.

2. This first application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 439 of Cr.P.C. has been filed for grant of bail.

3. The applicant has been arrested on 10/10/2025 in connection with Crime No.650/2025 registered at Police Station Shahpur, District Betul for offence under Sections 64(2)(m), 332(b) of Bharatiya Nyaya Sanhita, 2023 and under Sections 5L/6 and 5j(ii) of POCSO Act.

4. In compliance of order dated 9/2/2026, affidavit of Mr. Virendra Jain, Superintendent of Police, Betul has been placed on record. The affidavit filed by the Superintendent of Police, Betul shows complete ignorance of law on his part. It is the case of the prosecution that the applicant had committed rape on the prosecutrix, who is minor, and accordingly, charge-



sheet was also filed, however, as per the DNA test report, the applicant was not found to be the biological father of the baby child. Thus, it is clear that the applicant might have committed rape on the prosecutrix, but he is not the father of the child and admittedly the prosecutrix is less than 18 years of age. The DNA test report was received by the Superintendent of Police, Betul on 9/12/2025, but still the police was sleeping with no sincerity about their duties.

5. Since Mr. Virendra Jain, Superintendent of Police, Betul had already joined the Court proceedings through video conferencing in connection with another case, therefore, taking advantage of his presence through video conferencing, a specific question was put to Mr. Virendra Jain that after the DNA test report was received, what impression had created in his mind about the offence. Surprisingly and shockingly, Mr. Virendra Jain, Superintendent of Police, Betul did not answer that since the applicant, who is facing trial, is not the biological father of the baby child, therefore, it is clear that the minor prosecutrix was sexually exploited by some other person also. Thus, lack of knowledge on the part of Mr. Virendra Jain, Superintendent of Police, Betul speaks in volume about the training of the senior Police Officers in the State of Madhya Pradesh.

6. This is not the first example where Superintendent of Police sat quietly even when DNA test report is received to the effect that the accused, who is facing trial, is not the biological father of the fetus. A similar incident had taken place in Sagar, where a specific reply was filed by the police that since the girl is not disclosing anything, therefore, it is not possible to find



out the real culprit, but when the senior Police Officers were directed to change the Investigating Officer, then the police came forward with the case that the real culprit was somebody else and he has been arrested. Another similar incident had also taken place in Datia and in spite of DNA test report, the police did not take any step to find out the real culprit and ultimately, it was found that somebody else was the biological father of the fetus.

7. It appears that the Police Department has not taken any lesson from the lapses left by the Superintendent of Police of different districts and no guidelines have been issued by the Police Headquarter requiring their Superintendent of Police to monitor the cases of minor prosecutrix with all sincerity and to take further steps after finding that the accused, who is facing trial, is not the biological father of the fetus.

8. When this Court pointed out Mr. Virendra Jain, Superintendent of Police, Betul that since the applicant, who is facing trial, is not the biological father of the baby child, then it means that somebody else must have sexually exploited the minor girl, then it was submitted by Mr. Virendra Jain that now the police has started further investigation and supplementary statements of the father and the girl has been recorded on 9/2/2026, i.e. yesterday only, and they have not stated that the girl was ever sexually assaulted by anybody else. This conduct of Mr. Virendra Jain, Superintendent of Police, Betul is just contrary to the **judgment dated 4/2/2026** passed by the Supreme Court in the case of **Pramod Kumar and Ors Vs. State of UP and Ors in SLP (Cri.) No.350/2024**. According to which, the police must take permission from the Court for further investigation in the cases where the charge-sheet/final



report has already been filed. In the present case, why the supplementary statements of the prosecutrix and her father were recorded on 9/2/2026 has also not been made clear. It has not been clarified by the Superintendent of Police, Betul that under whose orders the police has taken up the matter in further investigation. Thus, it is clear that the police is not interested to improve its working and is happy with its little effort to protect the life and liberty of the general public with their poor knowledge of law.

9. Be that whatever it may be.

10. It is for the Director General of Police, State of Madhya Pradesh, Bhopal to consider as to whether his subordinates police officers including the Superintendent of Police are liable to be trained or the general public of the State of M.P. should go on suffering on account of the lack of knowledge of law on the part of the police officers.

11. Thus, except by mentioning that the legal knowledge of Mr. Virendra Jain, Superintendent of Police, Betul is not upto the mark and upgradation is required, entire discretion is left to the wishes of the Director General of Police, State of Madhya Pradesh, Bhopal as to whether he wants competent police officers or not.

12. One thing is clear that the applicant, who is facing trial, is not the biological father of the baby child, who was delivered by the prosecutrix, who undisputedly is a minor girl. Therefore, whether the prosecutrix is disclosing or not, it is clear that the prosecutrix was sexually exploited by some other person and in the cases of Sagar and Datia ultimately some close relative of the minor prosecutrix was found to be the real culprit. The police



must not forget that in some of the cases the investigation has to be conducted on the basis of circumstantial evidence, but it appears that the police has forgotten that aspect.

13. Be that whatever it may be.

14. The Superintendent of Police, Betul is directed to take permission from the Trial Court to further investigate the matter and then to further investigate the matter from all angles including the circumstantial evidence and since the baby child is available and alive, therefore, the blood samples of all the suspects should be collected, so that the biological father of the baby child can be traced out. The Superintendent of Police, Betul is directed to submit his report to the Registrar General of this Court to the effect that whether he has taken any step for taking permission from the Trial Court for further investigation in the matter or not. Let the report be submitted within one week from today, i.e. on or before 20/2/2026.

15. So far as present applicant is concerned, one thing is clear that even if the medical report does not support the prosecution case, that by itself would not be sufficient to discard the statement of the prosecutrix. Since the evidence of the prosecutrix has not been recorded so far, therefore, for the time being, the applicant cannot be granted bail merely because the DNA profile of the baby child does not match with the applicant.

16. Under these circumstances, this bail application filed by the applicant is hereby rejected.

17. Let a copy of this order be sent to the Director General of Police, State of Madhya Pradesh, Bhopal for information and compliance, if so



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desired by the Director General of Police.

(G. S. AHLUWALIA)
JUDGE

Arun*