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MCRC-10073-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH

ON THE 5th OF MARCH, 2026MISC. CRIMINAL CASE No. 10073 of 2026*JEESHAN KHAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Mr. Mansoori Shakeel Ahmad - Advocate for the applicant.**Ms. Samta Jain - learned Government Advocate for the respondent/ State.*
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ORDER

This M.Cr.C. is filed for modification of order passed by this Court on 19.02.2026 in CRA No. 1782 of 2026.

It is submitted by the learned counsel for the applicant that bail papers were furnished before the Criminal Reader of the learned Special Judge, Jabalpur, Shri Suresh Kumar. The Criminal Reader pointed out that there is a mistake in the order of this Court dated 19.02.2026 wherein out of 6 Sections, one Section is not mentioned in the bail order, which is Section 3(1)(s) of S.C./ S.T. Act relating to abuse of any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view. It is submitted that other Sections were mentioned correctly in the order, which are Section 296, 109, 3(5) of BNS and Section 3(2)(V), 3(1)(r) (Prevention of Atrocities) Act.

It is submitted that in the concerned order, it was already mentioned that the applicant is in jail since 10.07.2025. It is also submitted by the



learned counsel for the applicant that bail papers were furnished on 20.02.2026 but since the Criminal Reader choose not to put the bail papers before the learned Special Judge and returned papers for correction of order, therefore, his client remained in jail.

Heard learned counsel for the State also.

It is *prima facie* view of this Court that the procedure adopted by the Criminal Reader of concerned Court is not valid. In fact, if he found anything missing in the order, it was his duty to put the papers before the learned Special Judge and the learned Special Judge was obliged to pass legal order as he deemed fit.

The important points in a case are Case No. which is mentioned in the order of this Court dated 19.02.2026, which is Special Case No. 261/2025, Crime No. 485/2025 is also mentioned. The name of the accused Jeeshan Khan is also mentioned, therefore, *prima-facie* to this Court, the order which runs into three pages was sufficient so as to identify the accused and the case for whom bail was sought to be furnished but by adopting wrong procedure by the Criminal Reader the applicant was made to remain in wrongful custody for more than 12 days, therefore, to satisfy the wrong notions of the Criminal Reader it is mentioned that in the application filed by the applicant for bail, Section 3(1)(s) of S.C./ S.T. Act was also mentioned, which has been left out due to typographical error, but this was no reason not to put the bail papers before the Presiding Officer of Court. Hon'ble Supreme Court in the case of Aftab Vs. State of Uttar Pradesh; Misc. Application No. 1086/2025 in Crl. A. No. 2295/2025; 2025 LiveLaw (SC)687 has held thus :-



"2. Learned Additional Advocate General contends that the order dated 27.05.2025 of the Additional District and Sessions Judge, Ghaziabad, Uttar Pradesh, which was a release order mentioned all the details except that when it came to Section 5 the sub- section (1) was not mentioned and as such a correction application was moved by the Jailor on 28.05.2025. Since the said application was not disposed of, the applicant/petitioner was not released till yesterday.

3. We asked Ms. Garima Prasad, learned Additional Advocate General after drawing her attention to the release order as to whether the release order contained all the necessary particulars like:- the name of the detainee, the father's name, the crime number and the Police Station with respect to the case instituted against him as well as the details of the Sections of the IPC (Section 366) and the Sections concerned under the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (Sections 3 and 5). The learned Additional Advocate General categorically stated that all the necessary particulars do find mention and the only reason the release could not be effected was because the modification application filed before the District and Sessions Judge to modify the release order to add sub-section(1) of Section 5 was not disposed off.

4. Learned Additional Advocate General also drew attention of this court towards the judgment of the Division Bench dated 12.09.2012 in Criminal Appeal No. 4072 of 2005 of the High Court of Judicature at Allahabad about the need to mention the particulars in the release orders of prisoners.

5. We have carefully perused the order. Contrary to what the



learned Additional Advocate General is contending, the order, in fact, states that if there was sufficient reference of the concerned case or the ST number in which the bail has been granted, even Courts cannot insist on incorporating many other details before release of prisoners are effected. It is mentioned in the said judgment that from the reference of case and ST number, other details can be ascertained by the Subordinate Courts from their own records which normally remain available with them. If this is so for the Courts, there is no reason why this should not be the position for the Executive.

6. In fact, in the judgment referred to the Division Bench of the Allahabad High Court has expressed its anguish over the disturbing facts coming to their notices through correction applications which are being filed in the High Court on the insistence of some Subordinate Courts to get full description of offences, crime number, Sections of the Penal Code incorporated in the bail orders and on that pretext refusing to accept bail bonds. It is after expressing anguish on that score, the Court recorded that what was required was a sufficient reference to the case and ST number.

8. As long as the basic particulars are available and there is no dispute about identifying the individual, nitpicking of Court's orders and on that pretext not implementing them and keeping the individual behind bars is a serious dereliction of duty.

13. In the present case, we are of the opinion that on this trivial non-issue, the applicant/petitioner has lost his liberty for at least 28 full days. The only way we can mitigate the situation is through award of an ad hoc monetary compensation which will be provisional in nature. The State of Uttar Pradesh will pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the applicant and submit compliance report by Friday i.e.,27.06.2025.

14. After perusal of the Enquiry Report, in case, if there is any individual responsibility is fixed and after the determination of the



final compensation, this Court will also decide if any portion of the compensation shall be recovered from such of those officer(s) on whom responsibility, if any is fixed.

15. The whole episode to say the least is unfortunate. Each one of the stakeholders in this process was aware as to what the offence was, what the crime number was, what the Sections under which the applicant/petitioner was charged with and what the the punishment Section was? In spite of this, the applicant/petitioner has been subjected to severe hardship and notwithstanding the order of this Court dated 29.04.2025 and the release order dated 27.05.2025 which to our mind is clear as day light, the applicant/petitioner has been released only on 24.06.2025.

16. Liberty is a very valuable and precious right guaranteed to the persons by the Constitution. It cannot be bartered away on the altar of technicalities. We only hope that no other convict/under trial is languishing in jail on account of similar technicalities. The Director General (Prisons) has assured us that a thorough enquiry on that aspect also will also be conducted by him during the course of the next few days."

This order shall be read in conjunction with the order dated 19.02.2026 passed in CRA No. 1782 of 2026.

Accordingly, instant M.Cr.C. is allowed to the extent indicated above and disposed of.

(AVANINDRA KUMAR SINGH)
JUDGE