

Smt. Krishna Bai vs The State Of Madhya Pradesh on 31 March, 2021

Author: Gurpal Singh Ahluwalia

Bench: Gurpal Singh Ahluwalia

THE HIGH COURT OF MADHYA PRADESH MCRC No.11691/2021 (SMT. KRISHNA BAI VS. STATE OF M.P.) Gwalior dtd. 31/03/2021 Shri V.K.Sahu, learned counsel for the applicant. Shri R.B.Tripathi, learned Public Prosecutor for the State. Case diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends her arrest in connection with Crime No.73/2021 registered at Police Station Ishagarh, District Ashoknagar for offence punishable under Sections 420, 272 of IPC and Section 51, 26(2)(II) of Khadya Suraksha Adhiniyam, 2006.

It is submitted by the Counsel for the applicant that the applicant is a shop-keeper and sample of 1 k.g. Paneer and 2 liters of milk were collected and it has been found that the Paneer and milk were of substandard quality. It is submitted that so far as offence under Section 51 of Food Safety and Standards Act, 2006 is concerned, it is punishable with a fine which may extend upto rupees five lacs. So far as the offence under Section 272 of IPC is concerned, it would not be made out because the milk was found to be of substandard quality and was not noxious and even otherwise, the said offence is punishable for a term which may extend to six months imprisonment and a fine of rupees one thousand and so far as the offence under Section 420 of IPC is concerned, it would not be made out because there is nothing on record to suggest that the applicant was selling the milk of substandard quality by projecting that it is a pure milk. It is further submitted that in the light of Section 51 of Food Safety and Standards Act, 2006, the applicant is ready and willing to deposit half of the maximum fine amount which may be imposed. The applicant is further ready and willing to cooperate with the investigation and there is no possibility of her absconding or tampering with the prosecution case.

Per Contra, the application is opposed by the counsel for the State.

Heard the learned counsel for the parties.

In view of the concessional statement that the applicant is ready and willing to deposit half of the fine amount, which may be imposed under Section 51 of the Food Safety and Standards Act, 2006 and without commenting on the merits of the case, the application for anticipatory bail is allowed subject to deposit of Rs.2,50,000/- before the Court of CJM, Ashoknagar and if the applicant appears before the Investigating Officer (Arresting Officer) on or before 08.04.2021, the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) with one surety in the like amount to the satisfaction of the Arresting Officer

(Investigating Officer).

The applicant shall make herself available for interrogation by the Investigating Officer as and when required. She shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

It is made clear that in case if the applicant fails to appear before the Investigating Officer (Arresting Authority) on or before 08.04.2021 after depositing the amount, then this order shall lose its effect and the Investigating Officer shall be at liberty to take her in custody.

C.c. as per rules.

Pj 'S/-

(G.S.Ahluwalia)
Judge

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