

Jagdish Dhakad vs The State Of Madhya Pradesh on 8 September, 2021

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

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THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.44365/2021
(Jagdish Dhakad vs. State of M.P.)

Gwalior, Dated :08.09.2021

Heard through videoconferencing.

Shri B.S. Dhakad, learned counsel for the applicant.

Shri Nirmal Sharma, learned Public Prosecutor for the respondent/State.

The applicant has filed this fifth bail application u/S.439 Cr.P.C for grant of bail. Applicant has been arrested on 04.01.2021 by Police Station Pahargarh, Distt. Morena (M.P.) in connection with Crime No.3/2021 registered for offence under Sections 420, 272, 273 of IPC and Section 51, 57, 59, 63 of Food Safety and Standard Act, 2006.

It is submitted by learned counsel for the applicant- Jagdish Dhakad that the applicant is innocent. This is the fifth bail application of the present applicant. Earlier three applications were withdrawn at the very outset and one application was dismissed on merits by this Court vide order dated 26.03.2021 passed in M.Cr.C. No.15406/2021. He has further submitted that now the trial has commenced wherein charges have been framed and two prosecution witnesses have been examined. They have not supported the prosecution case. Till date prosecution has remained failed to link the seized tankers with the present applicant. There is no connecting evidence with regard to use of articles seized from the place of incident with the present applicant. The case is registered under Sections 420, 272, 273 of IPC wherein under Sections 272 and 273 of IPC the maximum punishment is six months. Offence under Section 420 of IPC is not made out. It is further submitted that offence under Sections 51, 57, 59, 63 of Food Safety and Standard Act, 2006 are not punishable with imprisonment. The THE HIGH COURT OF MADHYA PRADESH (Jagdish Dhakad vs. State of M.P.) applicant was released by the trial Court on interim bail and he has surrendered before the trial Court on 26.08.2021. Therefore, he has not misused the liberty so granted. The trial will take long time, hence, prays for grant of bail to the present applicant. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Learned State counsel has vehemently opposed the application stating that huge quantity of various chemicals required to prepare supreta milk were recovered from the possession of the present applicant. The present applicant runs a milk dairy whereby he has committed the aforesaid offences which directly affects the society at large. Considering the nature and gravity of offence, prayed for rejection of the bail application.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the nature and gravity of offence along with the fact that the alleged offences affects the society at large and huge quantity of various chemicals were recovered from the possession of the present applicant, this Court is not inclined to grant bail to the applicant.

Consequently, this fifth application filed under Section 439 of Cr.P.C. for grant of bail to the applicant is hereby rejected.

Certified copy/ e-copy as per rules/directions.

(Rajeev Kumar Shrivastava) Judge van SMT VANDANA VERMA 2021.09.08 19:19:18 -07'00'