

Jagdish Dhakad vs The State Of Madhya Pradesh on 21 February, 2022

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

1

IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE RAJEEV KUMAR SHRIVASTAVA
ON THE 21st OF FEBRUARY, 2022

MISC. CRIMINAL CASE No. 1300 of 2022

Between:-

JAGDISH DHAKAD S/O PARIMAL DHAKAD , AGED
ABOUT 43 YEARS, VILL. KHORIPURA
DHOORKOODA PS PAHARGARH (MADHYA
PRADESH)

.....APPLICANT

(BY SHRI ANIL MISHRA, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION P.S. PAHARGARH (MADHYA
PRADESH)

.....RESPONDENT

(BY SHRI DHEERAJ BUDHOLIYA, PANEL LAWYER FOR THE STATE)

This application coming on for hearing this day, the court passed the
following:

ORDER

This is the seventh application under Section 439 of CrPC for grant of bail.

Applicant has been arrested on 04/01/2021 in connection with Crime No.3/2021 registered at Police Station Pahargarh, District Morena (M.P.) for offences punishable under Sections 420, 272, 273 of the IPC and Sections 51, 57, 59, 63 of the Food Safety and Standards Act, 2006.

It is submitted by learned counsel for the applicant- Jagdish Dhakad that this is the seventh bail application of the applicant. Earlier two applications were dismissed as withdrawn by this Court. Applicant has falsely been implicated in this case. He has not committed any offence. It is further submitted that the applicant is in custody since 04/01/2021 i.e. more than a year. The trial Court has framed the charges against the applicant only under Sections 420, 272, 273 of the IPC and not framed the charges for offence under Sections 51, 57, 59, 63 of Food Safety & Standard Act. As per scientific report, it is apparent that the articles seized from the possession of present applicant were found to be sub-standard and were not adulterated. Separate complaint has been filed under the provision of Food Safety & Standard Act before CJM, Morena. The applicant is ready and willing to abide by any condition which may be imposed by this Court in case of grant of bail. Hence, looking to the aforesaid facts of the case along with custody period of the applicant, learned counsel prays for grant of bail to the applicant.

Learned State counsel has vehemently opposed the prayer and submitted that the trial Court has framed the charges only under Sections 420, 272, 273 of the IPC. This is the seventh bail application of the applicant. Earlier on 08/09/2021, fifth bail application filed on behalf of the applicant was rejected by this Court considering all the merits of the case, thereafter, there is no change circumstance under which this application could be considered. Hence, learned State counsel prays for rejection of this seventh bail application.

Heard learned counsel for the parties and perused the case diary as well as documents available on record.

It is apparent from the case diary as well as documents available on record that initially the FIR was registered against the applicant for offence under Sections 420, 272, 273 of the IPC and Sections 51, 57, 59, 63 of the Food Safety and Standards Act. Earlier, while rejecting the bail applications, this Court had already considered all the merits of the case. Therefore, considering the nature and gravity of offence along with the fact that these kind of offences affect the Society at large, this Court is not inclined to grant bail to the applicant.

Consequently, this repeat seventh bail application is hereby dismissed.

(RAJEEV KUMAR SHRIVASTAVA) JUDGE Shubhankar