

# **Rajesh Yadav. vs The State Of Madhya Pradesh on 16 August, 2021**

**Author: Satyendra Kumar Singh**

**Bench: Satyendra Kumar Singh**

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The High Court Of Madhya Pradesh

MCRC-37860-2021

(RAJESH YADAV. Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 16-08-2021

Heard through Video Conferencing.

Shri Manish Datt, learned Senior Advocate with Shri Mayan  
learned counsel for the applicant.

Shri Shailesh Khampariya, learned Panel Lawyer for the re

State.

Case diary is available With consent, heard finally.

This is first application filed under section 438 of Cr.P.C. for grant of anticipatory bail to the applicant, as he is apprehending his arrest in connection with Crime No.84/2021, registered at Police Station Ishanagar, District Chhatarpur for commission of offence punishable under Sections 420/34 of IPC.

As per prosecution story, it is alleged against the applicant that on 23.05.2021 the applicant, being Manager of Co-operative Society, intended to cheat the Government procured total 185 sacks of substandard wheat from the co-accused persons namely Arjun and Virendra.

Learned counsel for the applicant submitted that no case under the provisions of Indian Penal Code is made out against the applicant. The applicant was not present on the spot at the time of inspection. The applicant did not receive alleged wheat supplied by the co-accused persons. The act as alleged to be committed by the applicant, at the most, can be said to be covered under the provisions of Food Safety and Standard Act, 2006, which is punishable only with fine. Therefore, the applicant may be released on anticipatory bail.

Learned counsel for the respondent-State has opposed the application and submitted that wheat in question were found substandard and the Signature Not SAN Verified applicant has criminal antecedents. Offences alleged against the applicant are 2 MCRC-37860-2021 of serious in nature. He has criminal antecedents. Therefore, he may not be released on anticipatory bail.

Having regard the facts & circumstances of the case, this Court is of the considered opinion that it is a fit case for grant of anticipatory bail to the applicant. Hence, without expressing any opinion on merits of the matter, this application is allowed.

It is directed that in the event of arrest of the applicant he shall be enlarged on anticipatory bail upon his furnishing a personal bond in the sum o f Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer for his appearance before the Investigation Officer and the trial Court on all dates and for complying with the conditions enumerated in sub-section (2) of Section 438 of the Code of Criminal Procedure.

Certified copy as per rules.

(SATYENDRA KUMAR SINGH)  
JUDGE

pnm

Signature  
SAN Not  
Verified