

Birendra Agrawal vs The State Of Madhya Pradesh on 27 September, 2021

Author: Satyendra Kumar Singh

Bench: Satyendra Kumar Singh

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The High Court Of Madhya Pradesh
MCRC-45970-2021
(BIRENDRA AGRAWAL Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 27-09-2021
Heard through Video Conferencing.

Shri Bhavil Pandey, learned counsel for the applicant.
Shri Akhilendra Singh, learned G.A. for the respondent/ Sta

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 Ishan Nagar, 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 in connivance with co-accused persons with an intend to cheat the Government supplied 94 sacks of substandard wheat through co-accused.

Learned counsel for the applicant submitted that as the alleged act comes under the Special Act i.e. Food Safety and Standard Act, 2006, therefore, applicant cannot be prosecuted under Indian Penal Code. Offences under Food Safety and Standard Act, 2006 are bailable. As alleged substandard wheat has already been seized, custodial interrogation of the applicant is not required, therefore, the applicant may be released on anticipatory bail.

Learned counsel for the respondent-State has opposed the application for grant of anticipatory bail.

Having regard the submissions of the parties, looking to the facts & circumstances of the case and the allegations made against the applicant, this Court is of the considered opinion that it is a fit case for grant of anticipatory Signature Not SAN Verified bail to the applicant. Hence, without expressing any opinion on merits of the 2 MCRC-45970-2021 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 of 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

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Signature
SAN Not
Verified