

# Akhilesh Baghel vs The State Of Madhya Pradesh on 19 January, 2023

**Author: Atul Sreedharan**

**Bench: Atul Sreedharan**

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IN THE HIGH COURT OF MADHYA  
PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SHRI JUSTICE ATUL SREEDHARAN  
ON THE 19<sup>th</sup> OF JANUARY, 2023  
MISC. CRIMINAL CASE No. 2276 of 2023

BETWEEN: -

1. AKHILESH BAGHEL S/O NOMIRAM BAGHEL,  
AGED ABOUT 38 YEARS, VILLAGE PHOOP  
THANA PHOOP (MADHYA PRADESH)
2. AMIT SINGH S/O KHUSHIRAM BAGHEL,  
AGED ABOUT 22 YEARS, GRAM SIDOS  
THANA SAHSO DISTRICT ETAWAH (UTTAR  
PRADESH)

(BY MR. RAJKUMAR JOSHI - ADVOCATE)

AND  
THE STATE OF MADHYA PRADESH INCHARGE  
POLICE STATION THROUGH POLICE STATION  
CITY KOTWALI DISTRICT BHIND (MADHYA  
PRADESH)

(BY MR. A.P.S. TOMAR - ADVOCATE)

This application coming on for admission this day, the Court has passed the following:

ORDER

This first application under section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of bail to the applicants herein in connection with Crime No.382/2022 for the offences punishable under Sections 420, 272, 273 and 34 of IPC.

The applicants are in judicial custody since 04.01.2023 in the aforementioned case and the charge-sheet has been filed. But for offence under Section 420 of IPC the other offences are bailable in nature.

Learned counsel for the applicants submits that the applicants have maliciously been implicated in this case and that even if their actions constituted irregularities, the same would be offences or misdemeanors under the Food Safety and Standards Act. He further says that under the Special Act, their actions would only be liable to fine and not even imprisonment.

Learned counsel for the State while opposing the application for bail submits that upon inspection by the Food Inspector, lot of raw material which allegedly bore fungus and was emanating a bad smell and certain other articles used for manufacture of sweets were kept there, the cartons were also not labelled etc. He further submits that in the case diary, there is no report of the Food Analyst which would disclose that the articles seized from the applicants are unfit for human consumption or toxic in nature.

Looking at the facts and circumstances of the case and the period of incarceration already undergone by the applicants herein, the application is allowed. It is directed that the applicants herein shall be enlarged on bail upon their furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety in the like amount to the satisfaction of the learned trial court.

Certified copy as per rules.

(ATUL SREEDHARAN) JUDGE AKS