

# Purushottam vs The State Of Madhya Pradesh on 9 March, 2021

**Author: Sushrut Arvind Dharmadhikari**

**Bench: Sushrut Arvind Dharmadhikari**

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The High Court Of Madhya Pradesh  
MCRC-11681-2021  
(PURUSHOTTAM Vs THE STATE OF MADHYA PRADESH)

MCRC-11681-2021

Gwalior, Dated : 09-03-2021

Shri Vibhor Kumar Sahu, Advocate for the applicant.

Shri Alok Sharma, Panel Lawyer for the respondent/State.

Heard learned counsel for the parties.

Case diary perused.

This is the first application under Section 438 of the Code of Criminal Procedure filed by the applicant for grant of anticipatory bail.

Applicant apprehends arrest in connection with Crime No.74/2021 registered at Police Station Ishagarh, District Ashok Nagar for the offences punishable under Sections 420, 272 of IPC, Sections 51, 26(2) (ii) of Food Safety and Standards Act, 2006.

The allegation against the applicant, in short, is that on 23.11.2020, the Food Officer conducted an inspection of Govinda Dairy belonging to the present applicant and collected sample of Paneer and Milk, which was found to be of sub-standard quality. Even the report dated 11.01.2021 reveals that the Paneer and Milk were of sub-standard quality. On the basis of the aforesaid, crime has been registered.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The sample taken from the dairy is not in any where adulterated or unfit for human consumption and it has been found to be of sub-standard quality. So far as the offence under Section 51 of the Food Safety and Standards Act, 2006 is concerned, the same is punishable with a fine, which may extend upto Rupees Five Lacs. So far as the offence under Section 272 of IPC is concerned, it would not be made out because the milk was not found noxious and even otherwise, the said offence is punishable for a term which may extend to six months imprisonment and a fine of Rupees One Thousand and so far as the offence under Section 420 of IPC is concerned, it would not be made out because there is nothing on 2 MCRC-11681-2021 record to suggest that the applicant was selling the milk of sub-standard quality by projecting that it is a pure milk. No complaint whatsoever is lodged by the complainant against the present applicant. It is further submitted that in the light of Section

51 of Food Safety and Standards Act, 2006 the applicant is ready and willing to deposit half of the maximum fine amount, which may be imposed. Learned counsel further submitted that in view of COVID-19 outbreak, detention of applicant in already congested prisons may be detrimental. Applicant is ready to cooperate in the investigation. He is permanent resident of District Ashok Nagar and there is no likelihood of absconson or tampering with the prosecution evidence. With the aforesaid submissions, prayer for grant of anticipatory bail is made.

In response, learned Panel Lawyer has opposed the anticipatory bail application and prayed for its rejection.

In view of the concessional statement that the applicant is ready and willing to deposit half of the fine amount, which may be imposed under Section 51 of the Food Safety and Standards Act, 2006 and without commenting on the merits of the case, the application for anticipatory bail is allowed subject to deposit of Rs.2,50,000/- (Rupees Two Lacs and Fifty Thousands Only) before the Court of CJM, Ashok Nagar and if the applicant appears before the Investigation Officer (Arresting Officer) on or before 16.03.2021, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) with two local sureties each of Rs.50,000/- (Rupees Fifty Thousand Only) to the satisfaction of the Arresting Officer (Investigation Officer).

The applicant shall make himself available for interrogation by the Investigation Officer as and when required.

It is made clear that in case if the applicant fails to appear before the Investigation Officer (Arresting Authority) on or before 16.03.2021 after depositing the amount, then this order shall lose its effect and the Investigating Officer shall be at liberty to take him in custody.

3 MCRC-11681-2021 The applicant shall also furnish a written undertaking that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of Corona virus.

This order will remain operative subject to compliance of the following conditions by the applicant :

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Office, as the case may be;
4. The applicant will not seek unnecessary adjournments during the trial; and

5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

6 . If the applicant commits any offence after being released on bail, then this order shall automatically stand cancelled without reference to the Court.

A copy of this order be sent to the Court concerned for compliance. C.C. as per rules.

(S. A. DHARMADHIKARI) JUDGE shanu\* SHANU RAIKWAR 2021.03.10 14:51:17 -08'00'