

# Ashish vs The State Of Madhya Pradesh on 16 March, 2021

**Author: Sujoy Paul**

**Bench: Sujoy Paul**

HIGH COURT OF MADHYA PRADESH;  
BENCH AT INDORE  
M.Cr.C No.10194/2021  
Ashish Vs. State of MP 1

INDORE; DATED - 16/03/2021

Shri Harshwardhan Pathak, learned counsel for the applicant.

Shri Ankit Premchandani, learned counsel for the respondent/State.

With the consent, heard finally.

ORDER

This is first application filed under section 438 of the Cr.P.C for grant of anticipatory bail arising out of crime no.47/2021 under section 420 IPC registered at police station Gogawa Khargone.

By taking this Court to the various provisions of Food Safety and Standard Act, 2006 and Regulations, it is submitted that at best it can be alleged that the applicant is involved in misbranding for which under section 52 of the said Act only fine is leviable. There is no provision of imprisonment. The applicant has been falsely implicated for committing the offence under section 420 of the IPC. The applicant has no criminal record. The applicant will co-operate with the investigation. The relevant material/sample has already been seized by the prosecution agency. The applicant may be given Anticipatory Bail. Reliance is placed on an order passed by co-ordinate bench in M.Cr.C No.8150/2021 (Ajit Kumar Sanghvi Vs. State of MP) decided on 16.02.2021.

The prayer is opposed by the learned panel lawyer. I have heard learned counsel for the parties at length. Considering the nature of accusation, coupled with the fact that material has already been seized by prosecution agency, without commenting on merits, at this stage, I find it to be a fit case for grant of anticipatory bail to the applicant.

Accordingly, the bail application is allowed and it is directed that in the event of the applicant's arrest or surrender before the police within HIGH COURT OF MADHYA PRADESH;

BENCH AT INDORE a month of this order, the applicant Ashish S/o Radheshyam Gupta shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. The applicant would abide by the conditions mentioned in Section 438 (2) Cr.P.C.

(Sujoy Paul) Judge sourabh Date: 2021.03.16 17:59:02 +05'30'