

Mukesh Jagwani vs The State Of Madhya Pradesh on 10 March, 2021

Author: Mohammed Fahim Anwar

Bench: Mohammed Fahim Anwar

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The High Court Of Madhya Pradesh
MCRC-12957-2021

(MUKESH JAGWANI Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 10-03-2021

Shri Sankalp Kochar, learned counsel for the applicant

Shri S.K.Kashyap, learned Panel Lawyer for the respondent

Heard.

Case diary is available with the Panel Lawyer.

This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant, as he has been arrested in connection with Crime No.178/2021, registered at Police Station Adhartal, District Jabalpur, for commission of offence punishable under Sections 272, 420 of the IPC and Sections 26(2)(ii) read with Sections 51, 52 of the Food Safety and Standards Act, 2006.

The case of the prosecution is that, on 19/02/2021 an information was received by the Crime Branch that applicant and other co-accused have taken a room on rent in Anaro Complex, Main Road, Adhartal, where he is packing some adulterated spices. On the basis of the said information, the Police Officials along with the Food Inspector went to the said place, where they conducted an inspection and it was found that co-accused was packing various packets of adulterated and mis-branded spices, which are harmful for the human consumption. He was not in possession of any valid and effective license to run the said factory. He was taken into custody on 24/02/2021. On that basis, above mentioned crime against the applicant and other co-accused person has been registered.

Learned counsel for the applicant submitted that the applicant is innocent person. He has not committed any offence and has falsely been implicated in the crime. It is also submitted that the applicant is a permanent resident of the address shown in the application. He is ready and willing to furnish adequate surety and shall abide by all terms and conditions imposed upon him. There is no chance of his absconding or tampering with the 2 MCRC-12957-2021 prosecution witnesses. He is in judicial custody since 24/02/2021. In view of aforesaid, it is prayed that applicant be released on bail.

Learned Panel Lawyer for the respondent/State on the other hand has vehemently opposed the application.

Keeping in view the facts and circumstances of the case in their entirety, particularly the facts as pointed out by the learned counsel for the applicant, period of his detention (since 24/02/2021) and also the exigency of 'COVID19' disease, this application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees one lakh only) with one solvent surety of the like amount to the satisfaction of the trial Court. The applicant shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C.

In view of the spread of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by the Government of India with regard to COVID-19 before releasing the applicant.

This application stands allowed and disposed of. C.C., as per rules.

(MOHD. FAHIM ANWAR) JUDGE manju