

Aatmaram @ Ballu vs The State Of Madhya Pradesh on 15 June, 2021

Author: Sushrut Arvind Dharmadhikari

Bench: Sushrut Arvind Dharmadhikari

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HIGH COURT OF MADHYA PRADESH,
BENCH AT GWALIOR
MCRC-28801-2021
(Aatmaram @ Ballu Vs. State of M.P.)

Gwalior, Dated : 15/06/2021

Heard Through Video Conferencing.

Shri Ashish Singh Bhadauriya, learned counsel for the
applicant.

Shri Rohit Mishra, learned Additional Advocate General for the
respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard. The applicant has filed this first application under Section 438 of Cr.P.C., for grant of anticipatory bail.

Applicant apprehends his arrest in connection with Crime No.23/2021 registered at Police Station-Indargarh, District- Datia (M.P.) for the offence punishable under Sections 420, 269, 272 and 273 of IPC and section 63 of Food Safety and Standards Act.

Allegations against the applicant and co-accused, in short, are that on 19/01/2021 at about 2:00 PM, S.D.M., District- Datia conducted an inspection of house of the co-accused- Rambabu Patsariya. Upon inspection, adulterated 680 Kg. Ghee and other materials were seized from the dairy campus, where the co-accused was found carrying out business. On the basis of aforesaid, crime has been registered.

Learned counsel for the applicant submits that the applicant is HIGH COURT OF MADHYA PRADESH, BENCH AT GWALIOR MCRC-28801-2021 (Aatmaram @ Ballu Vs. State of M.P.) 40 year old who has no criminal past alleged against him and he has been falsely implicated in the case. It is also submitted that the applicant is not the owner of the dairy and he is a reputed citizen of his locality. If he is arrested and put behind the bar, his entire social reputation would be tarnished.

Co-accused- Ram Babu has already been granted the benefit of anticipatory bail by this Court vide order dated 22/04/2021 passed in MCRC No.18390/2021 subject to deposit of Rs.1,25,000/-. It is also submitted that owing to COVID-19 outbreak, detention of applicant in already congested prisons may be detrimental. Applicant is ready to cooperate in the investigation. He is a permanent resident of District- Datia (M.P.) and there is no likelihood of his absconson or tampering with the prosecution evidence. The applicant is ready to abide by all the terms and conditions as may be imposed by this Court. With the aforesaid submissions prayer for grant of anticipatory bail is made.

On the other hand, learned Panel Lawyer opposed the application and prayed for its rejection by contending that on the basis of the allegations and material available on record, no case for grant of bail is made out. It is also submitted that investigation is pending, therefore, custodial interrogation may be required.

Taking into consideration the facts and circumstances of the case, but without expressing any opinion on merits of the case, I deem HIGH COURT OF MADHYA PRADESH, BENCH AT GWALIOR MCRC-28801-2021 (Aatmaram @ Ballu Vs. State of M.P.) it appropriate to extend the benefit of anticipatory bail to the applicant.

Accordingly, this application is allowed and it is hereby directed that in the event of arrest of applicant, he shall be released on bail, subject to deposit of Rs.1,25,000/- (Rupees One Lac Twenty Five Thousand Only) as a fine before the concerned trial Court and on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of Arresting Authority. The applicant shall also furnish a written undertaking that he shall abide by all 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 him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any HIGH COURT OF MADHYA PRADESH, BENCH AT GWALIOR MCRC-28801-2021 (Aatmaram @ Ballu Vs. State of M.P.) 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 Officer, 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 while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

Certified copy/e-copy as per rules/directions.

(S.A. Dharmadhikari) Judge rahul RAHUL SINGH PARIHAR 2021.06.16 11:08:08 +05'00'