

Vinay vs The State Of Madhya Pradesh on 6 April, 2021

Author: Subodh Abhyankar

Bench: Subodh Abhyankar

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M.Cr.C. No.17374/2021

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.17374/2021

(Vinay S/o Ashok Goyal Vs. State of M.P.)

Indore, Dated: 06/04/2021

Ms. Sonali Goyal, learned counsel for applicant Vinay Goyal.

Ms. Geetanjali Chourasiya, learned Panel Lawyer for the respondent /

State of Madhya Pradesh.

They are heard. Perused the documents / challan papers. This is applicant's first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.73/2021 registered at Police Station Sendhwa, District Badwani (MP) for offence punishable under Section 420 of the Indian Penal Code, 1860.

Allegation against the applicant is of misbranding. Counsel for the applicant has submitted that the applicant is in a reputed business and his arrest in the present case will devastate his business. It is further submitted that no case under Section 420 of IPC is made out against the applicant and regardless he is ready to cooperate with the investigation.

Counsel for the applicant has relied upon a decision rendered by this Court in the case of Ajit Kumar Sanghvi Vs. State of Madhya Pradesh in M.Cr.C. No.8150/2021 dated 16/02/2021 wherein also in case of misbranding, this Court had granted anticipatory bail to the applicant taking note of Section 52 of the Food Safety and Standards Act, 2006 where only fine is leviable against the offender and there is no provision of imprisonment. Thus, counsel has submitted that the case of the applicant is akin to that of Ajit Kumar Sanghvi (supra) and it is submitted that the applicant be granted anticipatory bail.

Counsel for the respondent / State, on the other hand has opposed the prayer.

On due consideration of the rival submissions, perusal of the case diary as also the order passed by this Court on 16/02/2021 in the case of Ajit Kumar Sanghvi (supra), this Court is of the considered opinion that the applicant has made out a case for grant of anticipatory bail.

Accordingly, this application is allowed. It is directed that in the event of arrest, applicant shall be released on bail, upon his / her executing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand only) and furnishing solvent surety in the like amount to the satisfaction of the Arresting

Officer (Investigating Officer).

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. They shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case is allowed. Certified copy as per rules.

(Subodh Abhyankar) Judge krjoshi Date: 2021.04.06 16:29:57 +05'30'