

Jagdish Dhakad vs The State Of Madhya Pradesh on 26 March, 2021

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

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MCRC-15406-2021

The High Court Of Madhya Pradesh

MCRC-15406-2021

(JAGDISH DHAKAD Vs THE STATE OF MADHYA PRADESH)

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Gwalior, Dated : 26-03-2021

Shri Sanjay Bahirani, learned counsel for the applicant.

Shri Avnees Singh, learned Public Prosecutor for the respondent/State.

I.A. No.8659/2021, an application for urgent hearing, is taken up, considered and allowed for the reasons mentioned therein.

This is third application under Section 439 of CrPC for grant of bail.

Applicant has been arrested on 4/1/2021 in connection with Crime No.3/2021 registered at Police Station Pahadgarh, District Morena (M.P.) for offences under Sections 420, 272, 273 of the IPC and 51, 57, 59, 63 of Food Safety and Standards Ac, 2006.

It is submitted by learned counsel for the applicant- Jagdish Dhakad that this is the third bail application of the applicant. Earlier two applications were dismissed as withdrawn by this Court. It is further submitted that the sample was collected and report has been received wherein no negative remark is there in the sample. Now, charge sheet has been filed and despite filing of charge sheet, charges have not yet been framed. It is further submitted that another notice has been received by the present applicant from the Food Safety Officer, Morna on 8/3/2021 which is for commission of same offence. The applicant cannot be tried twice for the same offence. It is further submitted that despite the aforesaid custody period, charges have not been framed and the applicant is languishing in jail without any reasonable ground. Hence, prayed for grant of bail to the applicant.

Learned counsel for the State opposed the prayer and submitted that the offence is registered under Sections 420, 272, 273 of the IPC and 51, 57, 59, 63 of Food Safety and Standards Act wherein huge quantity of raw material for preparation of adulterated milk was found from the possession of present applicant. The offence committed by the applicant directly affects the society at large. Therefore, considering the gravity of the offence, prays for rejection of this third bail application.

Heard learned counsel for the rival parties and perused the case diary.

The offence is registered under Sections under Sections 420, 272, 273 of the 2 MCRC-15406-2021 IPC and 51, 57, 59, 63 of the Food Safety and Standards Act, which affects the society at large, therefore, I am not inclined to grant bail to the present applicant. Hence, the application is rejected.

A copy of this order be sent to the Court concerned for compliance.

(RAJEEV KUMAR SHRIVASTAVA) JUDGE pwn* Pawan Kumar 2021.03.26 16:46:01 +05'30'