

Rajendra Prasad Patsariya vs The State Of Madhya Pradesh on 31 March, 2021

Author: Sushrut Arvind Dharmadhikari

Bench: Sushrut Arvind Dharmadhikari

1

MCRC-15272-2021

The High Court Of Madhya Pradesh

MCRC-15272-2021

(RAJENDRA PRASAD PATSARIYA Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated : 31-03-2021

Shri Prem Singh Bhadouria, Advocate for the applicant.

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

I.A.No.8616/2021, an application for urgent hearing is considered and allowed.

Heard learned counsel for the parties.

Case diary perused.

This is the first application under Section 438 of the Code of Criminal Procedure filed by the applicant for grant of anticipatory bail.

Applicant apprehends arrest in connection with Crime No.23/2021 registered at Police Station Indargarh, District Datia for the offences punishable under Sections 420, 269, 272, 273 of IPC and Section 63 of Food Safety and Standards Act.

The allegation against the applicant, in short, is that on 19.01.2021 at 2.00 P.M., S.D.M., District Datia conducted an inspection of house of Rambabu Patsariya. Upon inspection, adulterated 680 Kg. Ghee and other materials were seized from the dairy campus, where the present applicant was found carrying out business. On the basis of the aforesaid, crime has been registered.

Learned counsel for the applicant submits that the applicant is aged about 60 years and has been falsely implicated in the case. He is not the owner of the dairy. It is also submitted that if the applicant is arrested, his reputation would be tarnished. Learned counsel further submitted that in view of COVID-19 outbreak, detention of applicant in already congested prisons may be detrimental. Applicant is ready to cooperate in the investigation and to abide by all the terms and conditions as may be imposed by this Court. It is also submitted that the applicant is ready to deposit the fine amount as 2 MCRC-15272-2021 prescribed under the Food Safety and Standards Act. He is permanent resident of District Datia and there is no likelihood of absconsion or tampering with the

prosecution evidence. With the aforesaid submissions, prayer for grant of anticipatory bail is made.

In response, learned Additional Advocate General has opposed the anticipatory bail application and prayed for its rejection.

Taking into consideration the facts and circumstances of the case, but without expressing any opinion on merits of the case, I deem it appropriate to extend the benefit of anticipatory bail to the applicant.

The application is, accordingly, allowed and it is hereby directed that in the event of arrest of applicant, he shall be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of the Arresting Authority subject to deposit of Rs.1,25,000/- (Rupees One Lakh & Twenty Five Thousand only) as a fine before the concerned trial Court. The applicant shall also furnish a written undertaking that he will abide by 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 her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any 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 Office, as the case may be;

3 MCRC-15272-2021

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 after being released on bail, then this order shall automatically stand cancelled without reference to the Court.

A copy of this order be sent to the Court concerned for compliance. C.C. as per rules.

(S. A. DHARMADHIKARI) JUDGE shanu* SHANU RAIKWAR 2021.03.31 17:30:44 -07'00'