

# Rajkumar Tyagi vs The State Of Madhya Pradesh on 20 October, 2023

**Author: Sunita Yadav**

**Bench: Sunita Yadav**

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IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SMT. JUSTICE SUNITA YADAV  
ON THE 20<sup>th</sup> OF OCTOBER, 2023  
MISC. CRIMINAL CASE No. 47544 of 2023

BETWEEN: -  
RAJKUMAR TYAGI S/O JATAN SINGH TYAGI, AGED  
ABOUT 32 YEARS, OCCUPATION: AGRICULTURIST, R/O  
GRAM DONGARPUR TEHSIL KAILARUS DISTRICT  
MORENA (MADHYA PRADESH)

(BY MR. SANJAY KUMAR BAHIRANI - ADVOCATE)

AND  
THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION KAILARAS DISTRICT MORENA (MADHYA  
PRADESH)

(BY MR. ROHIT MISHRA - ADDITIONAL ADVOCATE GENERAL)

This application coming on for Admission this day, the  
following:

ORDER

This is the first application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail relating to FIR No.569/2022 registered at Police Station Kailarus, District Morena (M.P.) for the offence under Sections 420, 272 and 273 of IPC.

Allegations against the applicant / accused, in short, are that on 29.12.2022, police authority along with Food Safety Officer, Anil Pratap Singh Parihar and others inspected diary owned by present applicant and it was found that applicant was selling milk by inedible substance for enhancing the fat.

Thereafter, sample was collected and sent to concerning Laboratory. In such circumstances, aforesaid offence was registered.

Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated. As per sample report (Annexure A/4) sample was found sub-standard and second sample was confirmed that the seized article as per standards or norms. It is further submitted that the food article was found to be sub-standard, which is punishable under Sections 51 and 57 of Food Safety and Standards Act, 2006 and the offence under aforesaid Sections are punishable only with penalty to the extent of Rs.5 lakhs. Further it is argued that on the basis of sample report, it is apparent that the case does not fall under Sections 272 and 273 of IPC. Since, the case is not punishable for imprisonment, therefore, no prosecution launched against the present applicant. In such circumstances, the present applicant is entitled to get the benefit of anticipatory bail. The applicant is permanent resident of the District Morena (M.P.) and there are no chances of his absconding or tampering with the prosecution evidence. He shall abide by the terms and conditions as may be imposed by this Court. Under these circumstances, applicant prays for anticipatory bail.

On the other hand, learned State counsel opposed the application and prayed for its rejection.

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

Having taking into consideration the entirety of the facts and material available on record, without expressing any opinion on merits of the case, this application is allowed and it is directed that in the event of arrest, the applicant be released on bail on executing a personal bond in the sum of Rs.1,00,000/-

(Rupees One Lakh Only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

The applicant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure and shall cooperate in the investigation, otherwise this bail order shall automatically stand cancelled.

Certified copy as per rules.

(SUNITA YADAV) JUDGE (LJ\*)