

Santosh Kesharwani vs The State Of Madhya Pradesh on 5 April, 2021

Author: Akhil Kumar Srivastava

Bench: Akhil Kumar Srivastava

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The High Court Of Madhya Pradesh
MCRC-15488-2021

(SANTOSH KESHARWANI AND OTHERS Vs THE S

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Jabalpur, Dated : 05-04-2021

Shri Manish Dutt, Senior Advocate with Shr
Advocate for the applicants.

Shri S.K. Dubey, learned P.L. for the resp

Heard. Perused the case diary.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with Crime No.178/2021 registered at P.S. Garha, District - Jabalpur (M.P.) for the offence punishable under sections 417, 420, 270 and 272 of IPC and Sections 51, 52 and 26(2)

(ii) of the Food Safety and Standards Act, 2006.

It is alleged that on 27.02.2021 the Smt. Madhuri Gupta, Food Safety Officer, Jabalpur lodged a written report at the Police Station, Garha, Jabalpur alleging that in the Maa Narmada Deep Industries at House No. 2197, Bharat Colony, Madan Mahal, Police Station Garha, artificial "Ghee" was being manufactured and the same has been sold in the market fraudulently by deceiving the people to be pure. It was being prepared by Vanaspati Oil in the said industry for the purpose of illicit sale and thereby earning profit.

Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated. There is no direct or indirect allegation against them. The applicants are in custody since 28.02.2021 and the trial will take time to conclude. The applicants are permanent resident of Distirct Jabalpur and there is no likelihood of absconding or tampering with the prosecution evidence by the applicants. On these grounds, prayer is made to enlarge the applicants on regular bail.

Learned counsel for the State has opposed the bail application. Keeping in view the entire facts and circumstances of the case, this Court is of the view that the applicants may be enlarged on bail, hence, 2 MCRC-15488-2021 without commenting on the merits of the matter, the application is allowed. The applicants Santosh Kesharwani and Rahul Gupta are directed to be released on bail upon their furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) each

with one solvent surety each in the like amount to the satisfaction of the concerned Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in *Suo Moto Writ Petition(C) No.1/2020* and ensure, that the Applicants are examined by the jail doctor before their release. If the Applicants show symptoms of COVID 19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID 19 patients. If the doctor is of the opinion that the Applicants are not affected with the virus, the jail authorities shall ensure his transportation from the jail till their place of residence.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the trial;
3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicants shall not commit any offence during the entire period of bail.
5. The applicants will not seek unnecessary adjournments during the trial;
6. The applicants will not leave India without previous permission of

3 MCRC-15488-2021 the trial Court;

7. The applicants shall inform the Court about their addresses and residence in case the applicants move out from their permanent address for any point of time; and
8. The applicants shall not contact any of the other accused persons in this case in any manner whatsoever.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for cancellation of bail granted today.

C.C. as per rules.

(AKHIL KUMAR SRIVASTAVA) JUDGE vkv /-