

Radha Goyal vs State Of Uttarakhand on 2 January, 2024

Author: Ravindra Maithani

Bench: Ravindra Maithani

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 247 of 2021

Radha Goyal

...Applicant

Versus

State of Uttarakhand

....Respondent

Present:-

Mr. Devesh Upreti, Advocate for the applicant.

Mr. Pramod Tiwari, Brief Holder for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in Case Crime No.61 of 2020, under Section 273 IPC and Section 50 of the Food Safety and Standards Act, 2006 IPC, Police Station Kotwali Tanakpur, District Champawat.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant was given a tender for preparing Dry Rashan Kit for the labourers. On 16, 17, and 18.04.2020, the Rashan Kits provided by the applicant were examined and it was found that they were of substandard quality.

4. Learned counsel for the applicant would submit that this Court had directed for the Forensic Science Laboratory Report, which has not been filed by the State. It is also argued that at the most, it could have been a complaint case, but FIR may not be lodged in such matters.

5. Learned State Counsel would submit that the labourers had complained that the Rashan in the Rashan Kits was in bad condition.

6. The Court wanted to know from learned State Counsel as to whether there is any Public Analyst Report with regard to the quality of the Rashan? He would submit that there is no such Public Analyst Report.

7. Having considered, this Court is of the view that this is a case, in which the applicant should be granted anticipatory bail. The instant anticipatory bail application deserves to be allowed.

8. The anticipatory bail application is allowed.

9. In the eventuality of arrest, the applicant shall be enlarged on bail on her furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of the court concerned. In addition to it, the applicant shall also comply with the following conditions:-

(i) The applicant shall not approach any witness in any manner, whatsoever.

(ii) The applicant shall not leave the country without prior permission of the concerned court.

(iii) The applicant shall deposit her passport with the court concerned. The passport may only be returned by the order of the court concerned. In case the applicant does not have passport, she shall give an undertaking to that effect to the court concerned.

(iv) The applicant shall also give an undertaking on (i) & (ii) above.

(Ravindra Maithani, J.) 02.01.2024 Ravi Bisht