

Santosh Jain vs The State Of Madhya Pradesh on 7 April, 2021

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

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HIGH COURT OF MADHYA PRADESH
MCRC-17126/2021
(SANTOSH JAIN Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated: 07.04.2021

Shri V.P.S.Tomar, learned counsel for the applicant.

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

This is the second bail application u/S.439 Cr.P.C filed by the applicant for grant of bail.

Applicant has been arrested on 29.01.2021 by Police Station Porsa, District Morena (MP) in connection with Crime No. 52/2021 registered for the offence punishable under sections 272, 273, 420 of IPC r/w section 51 and 57 of Food Safety and Standards Act.

It is submitted by learned counsel for the applicant that this is the second application for grant of bail. The first application was dismissed as withdrawn at the very outset.

As per prosecution story, fifty litre milk eight litre refined palm has been recovered from the custody of the applicant.

Now, investigation is complete and charge sheet has been filed and trial will take its own time. There is no criminal antecedents against the applicant, hence prayed for grant of bail.

Per contra, State Counsel has vehemently opposed the bail application and has submitted that the case is registered under sections 272, 273, 420 of IPC r/w section 51 and 57 of Food Safety and Standard Act wherein substandard milk and adulterated refined palm from the possession of the applicant. It is further submitted that the offence affects the society, hence prayed for rejection of the application.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the available case-diary.

Now charge sheet has been filed. Looking to the quantity recovered from the custody of the present applicant and also looking to the fact that the applicant is in custody since 29.1.2021, trial will take

its own time, without commenting upon the merits of the case, the application is allowed. If the applicant furnishes a fresh bail bond in the sum of Rs.75,000/- (Rupees Seventy Five thousand only) with one solvent surety in the like amount to the satisfaction of the Court concerned and undertakes that he shall appear regularly before the Court concerned on the dates fixed then the applicant shall be released on bail. The applicant shall abide by the conditions as enshrined in Section 437(3) of CrPC.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant, his/her Corona Virus test shall be conducted and if it is found negative, then the concerned local Administration shall make necessary arrangements for sending the applicant to his/her house, and if his/her test is found positive then the applicant shall be immediately sent to concerning hospital for his/her treatment as per medical norms. If the applicant is fit for release and if he/she is in a position to make his/her personal arrangements, then he/she shall be released only after taking due travel permission from local administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Government/State Government or Local Administration for combating the COVID-19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Government/State Government or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him/her in custody and would send him/her to the same jail from where he/she was released.

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

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;
2. The applicant/s will cooperate in the investigation/trial, as the case may be;
3. The applicant/s will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts 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 applicant/s shall not commit an offence similar to the offence of which he/she is accused;

in case of repetition of any offence, this bail order shall stand cancelled automatically;

5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;
6. The applicant/s will not leave Gwalior and India without previous permission of the trial Court/Investigating Officer, as the case may be; and

7. The applicant/s will inform the SHO of concerned Police Station about his/her/their residential address in the said area and it would be the duty of the State Counsel to send E-copy of this order to SHO of concerned Police Station for information.

Application stands allowed and disposed of. E- copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

Certified copy/ e-copy as per rules/directions.

(Rajeev Kumar Shrivastava) Judge vv SMT VALSALA VASUDEVAN 2021.04.07 16:57:14 +05'30'