

# **Dharmendra Kushwah vs The State Of Madhya Pradesh on 23 March, 2021**

**Author: Rajeev Kumar Shrivastava**

**Bench: Rajeev Kumar Shrivastava**

The High Court of Madhya Pradesh  
Misc.Cri.Case No. 15846/2021  
(Dharmendra Kushwah Vs. State of MP)

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Gwalior, dated 23.03.2021

Shri Sanjay Bahirani, learned counsel for the applicant.

Shri B.M. Shrivastava, learned Public Prosecutor for the respondent-State.

Case Diary is perused.

Learned counsel for the rival parties are heard. The applicant has filed this third bail application under section 439 of the Cr.P.C. for grant of bail.

The applicant has been arrested by Police Thana Station Road, District Morena (M.P.) in connection with Crime No.558/2020 registered in relation to the offences punishable under sections 272, 273, 420 of the IPC and Sections 26, 51 and 57 of Food Safety and Standards Act, 2006.

According to the prosecution case, the allegation against the applicant that on 3.12.2020 Food Safety Officer Rekha Soni along with her departmental officers raided the house of applicant and at the time of inspection 200 litre mix milk, 3 tins refined palm kernel oil, 200 litres water of paneer, 100 kg. ghee, 500 kg. hydrogen peroxide were kept in the house of applicant. So, presuming that it might be unsafe for human body the sampling of the food article were made and other food articles were seized on the allegation that the applicant is manufacturing ghee with mixing of cream and for preparation of milk he uses sapreta milk, refined oil, water of paneer, so that he could get undue advantage from public and this act of the applicant amounts to cheating with the public at large. Therefore, FIR has been registered against the applicant for the offences punishable under Sections 420, 272, 273 of IPC and Sections 26, 51 and 57 of Food Safety and Standards Act, 2006.

Learned counsel for the applicant submitted that applicant The High Court of Madhya Pradesh Misc.Cri.Case No. 15846/2021 (Dharmendra Kushwah Vs. State of MP) Dharmendra Kushwaha is in custody since 15.12.2020. Earlier petitions filed were withdrawn at the very outset. It is further submitted that the sample was collected and report has been received wherein no negative remark is there in the sample. Now charge sheet has been filed and despite filing of charge sheet three months back, charges have not yet been framed. As there is no need of custodial interrogation and on 30th April, 2021 there is marriage of applicant's sister, hence the applicant prays for grant of bail.

Learned Public Prosecutor for the State opposed the application and has submitted that applicant-accused has been arrested for the offences punishable under Sections 420, 272, 273 of IPC and Sections 26, 51 and 57 of Food Safety and Standards Act, 2006. The offence committed by the applicant directly affects the society at large. Therefore, considering the gravity of the offence, prays for rejection of this third bail application.

The applicant has been arrested for the offences under Sections 420, 272, 273 of IPC and Sections 26, 51 and 57 of Food Safety and Standards Act, 2006 and the reports received are yet required to be proved before the trial Court. Unless the reports are proved, no benefit could be granted to the applicant.

As the alleged offence affects the society at large, therefore, I am not inclined to grant bail to the present applicant. Hence, the application is rejected.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(yog)

(Rajeev Kumar Shrivastava)  
Judge

YOGESH VERMA  
2021.03.23

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