

Deviram vs The State Of Madhya Pradesh on 27 August, 2021

Author: Rajeev Kumar Shrivastava

Bench: Rajeev Kumar Shrivastava

1
The High Court Of Madhya Pradesh
MCRC-29886-2021
(DEVIRAM Vs THE STATE OF MADHYA PRADESH)

MCRC-29886-2021

Gwalior, Dated : 27-08-2021

Shri Sanjay Bahirani, learned counsel for the applicant.

Shri Sangam Jain, learned Public Prosecutor for the respondent/State.

The applicant has filed this second application u/S.438 of Cr.P.C for grant of anticipatory bail.

Applicant apprehends his arrest in connection with Crime No.59/2021 registered at police station Civil Lines, Distt. Vidisha (M.P.) for offence under Sections 420, 272, 273 of IPC.

It is submitted by learned counsel for the applicant- Deviram that the applicant has not committed any offence. Applicant is innocent and he has falsely been implicated in this case. Earlier application filed for grant of anticipatory bail to the applicant was withdrawn at the very outset on 27/02/2021. It is further submitted that while deciding earlier anticipatory bail application, this fact was not brought before the Court that the applicant is not liable as per the provisions of Section 26(4) of the Food Safety and Standards Act, which reflects from Annexure-P/7 annexed with this application. As the applicant is not liable for committing aforesaid offence, rather the company, from where the articles were purchased, is liable for commission of aforesaid offence, therefore no case is made out against the applicant. Hence, prayed to allow this second application filed for grant of anticipatory bail to the present applicant.

Learned State counsel has vehemently opposed the submissions made on behalf of the applicant and has submitted that the case is registered against the applicant under Sections 420, 272, 273 of IPC, wherein adulterated Red Chili Powder was found from the possession of the applicant and synthetic colours were also seized from the applicant. Hence, considering the fact that the aforesaid articles affect the health of society at large, learned State counsel prayed to reject this repeat anticipatory bail application filed by the applicant.

2 MCRC-29886-2021 Heard learned counsel for the parties at length and perused the case diary and documents available on record.

It is apparent from the perusal of documents available on record that the case is registered under Sections 420, 272, 273 of IPC against the present applicant and the allegation leveled against the

present applicant is of selling adulterated food articles which affect the health of society at large. Therefore, considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the applicant.

Consequently, this second application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the applicant is hereby dismissed.

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

(RAJEEV KUMAR SHRIVASTAVA) JUDGE Shubhankar