

(2020) 07 MP CK 0157

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 22767 Of 2020

Dinesh Sahu @ Sillan

APPELLANT

Vs

State Of MP

RESPONDENT

Date of Decision : 22-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 409
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2020) 07 MP CK 0157

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Vibhor Kumar Sahu, Anoop Nigam

Final Decision : Dismissed

Judgement

Heard through Video Conferencing.

Case diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.207/2020 registered at Police Station Kotwali, District Datia for offence under

Section 409 r.w. Section 34 of IPC.

Case diary is available.

It is submitted by the counsel for the applicant that the other co-accused, who had purchased the wheat, have already been granted anticipatory bail.

The applicant is not a Government employee, therefore, offence under Section 409 of IPC will not be made out.

Per contra, it is submitted by the counsel for the State that the applicant had

tried to sell non FAQ wheat and when that wheat was seized by the officers, then the applicant tried to take away the seized non FAQ wheat. It is further submitted that the applicant has criminal history and as many as 15 cases have been registered against him.

In reply it is submitted by the counsel for the applicant that in all the previously instituted 14 cases, the applicant has been either acquitted or the final report was filed.

Considered the submissions made by the counsel for the parties.

According to the prosecution case, the applicant tried to sell non FAQ wheat and when the same was seized by Tahsildar, Datia, then the applicant tried to take away the said seized non FAQ food grains forcibly.

It is clear that as many as 14 other criminal cases were registered against the applicant. Although according to the police report, in the aforesaid

cases, the applicant was either acquitted or final report was filed. However, the applicant has not filed the copy of judgments to show that he was

acquitted on merits and no witness had turned hostile. Admittedly, the applicant was a Counselor and it was expected from him that non FAQ wheat

should not have been brought to the society for selling purpose and it appears that only because of the influence of the applicant, other co-accused

persons were forced to purchase the said non FAQ wheat.

Considering the previous criminal history of the applicant and conduct of the applicant in bringing the non FAQ wheat for sale and thereafter, making

an attempt to take away the said non FAQ wheat in spite of the fact that it was already seized by Tahsildar, this court is of the considered opinion that

it is not a fit case for grant of anticipatory bail.

Accordingly application fails and hereby dismissed.