

(2021) 07 MP CK 0125

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.34786 Of 2021

Vishwanath Gupta

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 15-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Essential Commodities Act, 1955 — Section 3, 7

Citation : (2021) 07 MP CK 0125

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : R.S. Patel, Devendra Shukla

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is first bail application filed by the applicant Vishwanath Gupta under Section 438 of CrPC for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.79/2021, registered at P.S.â?" Bahela, District â?"Balaghat under Section 3 / 7 of

Essential Commodities Act.

As per the prosecution story, on 10.06.2021 on the information of the informant that applicant was selling seeds without license Senior Agriculture

Development Officer / Seed Inspector Block Development Officer Lanjhi went to applicantâ?"s shop Bolbam Krishi Sewa Kendra located at village

Risewada and seized 1712 Kg. seeds which was illegally kept by the applicant in his shop for illegal sale.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in this case. It is further submitted that

applicant was not the owner of the shop and that shop was owned by applicant's son Himanshu Gupta and he has license to sale the seeds.

Applicant has no criminal past. Applicant is ready to cooperate in the investigation and trial. In the event of arrest, his reputation will be ruined. Under these circumstances, applicant prays for bail. In this regard applicant also filed the copy of license issued to his son.

Learned counsel for the State opposed the prayer and submitted that on the date of incident applicant was not having any license to sale the seeds.

License produced by the applicant has been issued on 01.07.2021, so he should not be released on anticipatory bail.

Looking to the facts and circumstances of the case and the contention of learned counsel for the applicant and the fact that applicant has no criminal

past, without commenting on the merits of the case, the application is allowed. It is directed that in the event of arrest by Police in the aforesaid case,

the applicant shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty thousand only) with a solvent surety in the

like amount to the satisfaction of the Arresting Officer for his regular appearance before the Police during the investigation or before the Court during trial.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without prior permission of the trial Court/ Investigating Officer, as the case may be.

A copy of this order be sent to the concerned Station House Officer for compliance.

C.C. as per rules.