



1

MCRC-2655-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 22<sup>nd</sup> OF JANUARY, 2025MISC. CRIMINAL CASE No. 2655 of 2025*TOSHIB**Versus**STATE OF MADHYA PRADESH*

.....  
Appearance:

*Shri Vedant Singh Thakur, learned counsel for the applicant.*

*Shr Rajendra Singh Suryavanshi, learned Public Prosecutor for the  
respondent/State.*

.....

ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent to Section 439 of Cr.P.C.) has been filed by the applicant-Toshib S/o Abdul Rasid for grant of regular bail, who has been arrested on 23.12.2024 in connection with Crime No.966/2024 registered at Police Station Chandan Nagar, District Indore (M.P.) for commission of offences under Sections 318(4),336(3),340(2),61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3/7 of Essential Commodities Act.

2. As per prosecution case, the allegation against the applicant is that he was involved in earning profit by selling rice in the open market which was allotted for distribution in the Public Distribution System. Accordingly, offence has been registered against him.



3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. He has been implicated merely on the ground that he is friend of other main accused Rajesh Pahadia who allegedly purchased the rice allotted for the Public Distribution System and earned profit by selling it in the open market. He has neither purchased the rice nor stored the same in the warehouse. He is also not the partner in the Firm of other co-accused persons. There is no sufficient evidence available on record to establish the complicity of the accused with the alleged crime. Investigation is complete and charge sheet has been filed. There is no likelihood of his absconsion leaving his family, home and profession and also there is no likelihood of tampering with evidence by applicant. Final conclusion of the trial will take considerable long time, therefore, learned counsel prays for allowing the bail application and for grant of bail.

4. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer and prays for dismissal of the bail application on the ground that he has involved along with other co-accused persons in purchasing rice of Public Distribution System and earned profit by selling it in the open market.

5. Heard learned counsel for the parties and perused the case diary.

6. In the aforesaid factual backdrop and looking to the fact that no direct evidence of involvement appears to have been established, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, the bail application is allowed.

7. It is directed that the applicant be released on bail upon his furnishing



personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the concerned Court on all the dates fixed by the said Court, without any default, during trial. He shall abide by all the conditions enumerated under Section 480(3) of BNSS.

8. The applicant will not indulge himself in any criminal activity in future. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, this order will come to an end and applicant will be liable to be arrested by the concerned authorities.

9. The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety

10. Accordingly, this M.Cr.C. stands allowed and disposed off.

Certified copy as per rules.

(BINOD KUMAR DWIVEDI)  
JUDGE