

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1778 OF 2015

Samsher s/o Suresh Warpudkar

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Arvind S.Deshmukh, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 17th APRIL, 2015

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PER COURT :

1. The applicant is apprehending his arrest in connection with Crime No. 31/2015 for the offences punishable u/s 63, 69 of the Copy Right Act and u/s 420,406 read with 34 of the Indian Penal Code registered with police station Nava Mondha, Parbhani.

2. Heard Mr. Arvind S.Deshmukh, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. The applicant is cable operator and is Franchise of Star India Pvt. Ltd. and is operating at Parbhani city.

Agreement was executed between Star India Pvt. Ltd. and the applicant in the month of June, 2013. The said agreement was to expire in the month of March, 2015. According to the applicant, the said agreement is now till 30/06/2015. In that behalf, learned counsel for the applicant invited my attention to page 52 of compilation. From the said, it appears that the agreement is extended till 30/06/2015. Thus, there is subsisting valid contract between the applicant and Star India Pvt. Ltd.

4. According to F.I.R., applicant has not deposited amount to the tune of Rs. 5,00,000/- [Rupees Five Lacs] for the period 2013 – 2014. Learned counsel for the applicant has invited my attention to the extract of the bank account of Jai Naresh Cable Networking, of which present applicant is proprietor, which shows that in March, 2015, cheque worth Rs. 7,34,766/- was given to Star India Pvt. Ltd. and the said cheque was encashed by the said company.

5. Further, the agreement between Star India Pvt. Ltd. and the applicant is still subsisting. If there is any dispute about payment, then it can be resolved in the civil litigation. The applicant can not be pressurized by the first informant by resorting to the action against the criminal law.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 31/2015 for the offences punishable u/s 63, 69 of the Copy Right Act and u/s 420,406 read with 34 of the Indian Penal Code registered with police station Nava Mondha, Parbhani, applicant Samsheer s/o Suresh Warpudkar be released on anticipatory bail on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one solvent surety of like amount.

(iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]