

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 520 OF 2016**

Arjun Tahlani, S/o Late Shri Mohandas Tahlani, aged about 48 years, Occupation Business, R/o Opp. Naila Masjid, Ward No. 5, Purani Basti, Naila, Police Chowki Naila, Police Station Janjgir, Civil & Revenue District Janjgir-Champa (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Janjgir, Distt. Janjgir-Champa (C.G.)

---Non-applicant

For Applicant	:	Mr. Sumesh Bajaj, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/02/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 680/2015, registered at Police Station Janjgir, Distt. Janjgir-Champa (C.G.), for the

offence punishable under Sections 420 of the I.P.C., 63 of the Copy Rights Act, 1957, 78 & 79 of the Trade and Mercantile Act, 1958 (Repealed), and 103 & 104 of the Trade Marks Act, 1999.

2. Case of the prosecution, in brief, is that, applicant being Dealer of cosmetic products of Hindustan Unilever Ltd. changed the date of expiry in these products and found selling in the open market and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that as per standard practice this is trade that old/expired cosmetic products are returned to the Company and, in replacement, free of cost, fresh cosmetic products provided to the dealer, as such, Mr. Shailesh Kumar Prasad claiming to be authorized Manager, has illegally seized articles and offence was registered on which he was in jail since 15/12/2015. He would further submit that offence under Copy Rights Act

and Trade and Mercantile Act are bailable offence. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant, defence of the applicant; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari