

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 705 of 2017**

Amod Gupta S/o Late Shri Shivkaran Lal Gupta, Aged About 51 Years
R/o Main Road, Kondagaon, Tahsil & District Kondagaon,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kondagaon, District
Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Keshav Dewangan, Advocate.
For the Respondent/State : Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 160 of 2017, registered at Police Station – Kondagaon, Teshil & District – Kondagaon, Chhattisgarh for the offence punishable under Sections 51, 63 and 65 of the Copy Rights Act.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a cable operator and it was his business to exhibit the programmes of various channels through cable to

his subscribers. There had been a dispute with the officials of Zee Enterprises Limited about the tariff for exhibiting the programs of Zee Channel because of which the applicant has been falsely implicated in this case. Hence, it is prayed that the applicant be entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been unauthorizedly exhibiting the programmes of Zee Channel because of which the case has been registered against him. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. The facts of the case are that the applicant did not have any authorization to display and exhibit the programmes of Zee TV as he had not paid subscription fees. On an inspection made by the officials of Zee TV on 7.7.2017, it was found that the applicant was exhibiting the programmes of various channels of Zee TV for his subscribers. On the basis of which, FIR was lodged against him for which he is required to be arrested as the offence under Section 63 of the Copy Rights Act is not bailable.

7. Considering the submissions made and the contents of the case diary and also looking to the offence committed, I am of the view that this is a fit case to release the applicant on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge