

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 316 OF 2017

Shivanagouda Sannagouda Patil ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Yashdeep Deshmukh i/b. Subhash Hulyalkar. Advocate for the Applicant.

Mr. Y.M. Nakhawa, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **23rd February, 2017.**

P.C.:

Not on board. Upon mentioning, taken on board.

2. This Application is moved for anticipatory bail under section 438 of Cr. P.C. The applicant/accused is apprehending arrest in C.R. No. 261 of 2016 registered with Saswad Police Station for the offences punishable under section 420 of the Indian Penal Code, under sections 36 and 65 of Copyright Act, 1957 and under sections 103 and 104 of Trademark Act.

3. It is case of the prosecution that the complainant Mangesh Jagannath Deshmukh came to know that that some people are selling duplicate goods in the name of Bayer Company and

accordingly he gave information to the police. On the basis of the information given by the complainant, the police laid trap and they stopped the vehicle, which was transporting pesticides and chemicals of Bayer Cropscience Ltd. and E.I. Du Pont India Pvt. Ltd. The police seized those articles and registered offence against co-accused Pradip Bhagwandas Saha and Anand Kamble.

4. The learned counsel for the applicant/accused has submitted that the name of the applicant/accused is not mentioned in the FIR. There is no evidence against the applicant/accused and the applicant/accused will cooperate the police if he is granted pre-arrest bail. He further relied on the order dated 28th December, 2016 passed in C.R. No. 261 of 2016 granting bail to the accused.

5. Learned APP relied on the complaint and the statement of other witnesses and submitted that custodial interrogation of the applicant/accused is required to find out how and where the goods were manufactured. He further submitted that as per the information given by the police, the applicant has supplied these duplicate goods to other two accused for transportation.

6. Perused the FIR and also the statements given by the learned APP. *Prima facie* it appears that the applicant/accused has supplied duplicate pesticides and chemicals in the bottles which were seized by the police. It is necessary for the police to find out from where the applicant/accused has procured these bottles or whether he himself has manufactured these goods. The custody of applicant/accused is necessary to investigate and find out these details. Hence, Anticipatory Bail Application is rejected.

7. The learned counsel for the applicant has produced typed copy of the order dated 28th December, 2016 granting pre-arrest bail to the accused in C.R. No. 261 of 2016. It is necessary to note that no name of the Judge is mentioned. Moreover, while granting anticipatory bail, no condition in respect of attendance is mentioned by the learned Judge. Registrar (Judicial) is directed to sent the order of learned Judge dated 28th December, 2016 to the Principal District and Sessions Judge, Pune and copy of this order is to be sent to the learned Judge who has passed the order dated 28th December, 2016 of granting pre-arrest bail in C.R. No. 261 of 2016.

(MRIDULA BHATKAR, J.)