

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 733 of 2017

Chirag Rakesh Shah

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. S. B. Dhotre for the applicant.

Smt. J. S. Lohokare, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.
DATE : 12 JUNE 2017

P.C. :

1. This is an application for anticipatory bail. The applicant is implicated as accused in C. R. No.94 of 2017 registered with L. T. Marg, Police Station, Mumbai for the offences punishable under Sections 420, 465, 468, 476, 482 of IPC and Sections 65 and 66 of the Copy Right Act and also under Rule 103 of the Trade Mark Rules.

2. According to the first informant, he is the jewellery book publisher. The complainant is carrying on the business as Gupta Book Centre and doing the work of photography, design, processing, printing etc. of advertising products. Complainant printed book in the name of M/s. JKS Jewels Pvt. Ltd. He learnt that Panna book

Centre is selling identical copy of the book at discounted price. Hence he lodged complaint.

3. Learned advocate for the applicant submitted that the brother of the applicant was arrested and was in custody subsequently he was released on bail. He also submits that there is recovery of books by the investigating machinery and therefore custodial interrogation of the applicant is not required.

4. He further submits that the applicant is suffering from mental illness. He pointed out from the remand application filed before Magistrate Court in respect of the arrested accused, that, when the police had visited the house of the applicant to arrest the co-accused, the applicant was not arrested on account of his ill health.

5. I have gone through the FIR and other documents, the brother of the applicant was arrested and he was in custody. There is already a recovery of 720 books as admitted by the prosecution. The applicant is mentally ill. The custodial interrogation of the applicant therefore is not required.

6. In view of this I pass the following order

:: ORDER ::

- (i) Anticipatory Bail Application No.733 of 2017 is allowed.
- (ii) Interim order granted vide 17 October, 2016 is hereby confirmed.
- (iii) Applicant is directed to report L. T. Marg Police Station, Mumbai once in a week on every Monday between 11.00 to 2.00 till the filing of the chargesheet.
- (v) Application stands disposed of.

[PRAKASH D. NAIK, J.]