

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1037 OF 2017

1. Milind Dayaram Kapase .Applicants
2. Smt.R.V.Jailaxmi Girish Murti
3. Smt.Smita Gurudatta Kasture

Vs.

The State of Maharashtra .Respondent

WITH
CRIMINAL APPLICATION NO.565 OF 2017
(For Intervention)

IN

ANTICIPATORY BAIL APPLICATION NO.1037 OF 2017

Siddharth Atmaram Kapse .Intervenor

IN THE MATTER OF

1. Milind Dayaram Kapase .Applicants
2. Smt.R.V.Jailaxmi Girish Murti
3. Smt.Smita Gurudatta Kasture

Vs.

The State of Maharashtra .Respondent

Mr.Y.P.Narvankar, Advocate, for the Applicants
Mr.S.S.Hulke, APP, for the Respondent – State
Mr.A.U.Nikam i/b. Mr.A.Satpute, Advocate, for
the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 04.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.I-167 of 2017 registered with the Mumbai Naka Police Station, Nashik, for the alleged offences punishable under Sections 420, 406 r/w.34 of the Indian Penal Code and under Sections 63, 69, 37 and 51 of the Copyright Act.

3. Learned counsel for the Applicants submitted that the allegations as against the Applicants are baseless and that there is no material to connect the Applicants with the alleged offence. He submits that the Applicants are Local Cable Operators (LCO) and are engaged in the business of Cable Television. He submits that the Applicants provide cable network services to customers, within Nashik District. He submitted that the principal allegation as

against the Applicants is, that they collected subscription charges from individual customers and did not forward the same to the Complainant; and that the Set Top Boxes which were handed over by the Complainant – Company, were being used to transmit signals of other Companies. He submits that there are five civil proceedings pending between the parties with respect to the same subject matter. He submits that hence, the custody of the Applicants is not required.

4. Learned APP opposes the Application. Learned counsel for the Intervenor also supports the learned APP. Learned counsel for the Intervenor, however, does not dispute the fact, that there are five civil proceedings pending between the parties, with respect to the same subject matter.

5. Perused the papers. It appears that the Applicants are Local Cable Operators (LCO) and

are engaged in the business of Cable Television, by providing their cable network services to customers, within Nashik District. The principal allegation as against the Applicants is (i) that they collected subscription charges from individual customers and did not forward the same to the Complainant; and (ii) that the Set Top Boxes which were handed over by the Complainant – Company were being used to transmit signals of other Companies. It is not in dispute, that there are five civil proceedings pending between the parties with respect to the same subject matter. In the facts, custodial interrogation of the Applicants is not required. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the

sum of **Rs.15,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. In view of disposal of the Application, the Intervention Application does not survive and the same stands disposed of accordingly.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)