

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5562 of 2018

- Utpal Sengupta S/o Uttam Sen Gupta Aged About 31 Years R/o- Geetanjali City Face-2 Behind S.E.C.L. Sarkanda, P.S. Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Tarbahar (S.I.U.) District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent -

For Applicant	:	Mr. P. K. Tulsyan Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.
For Objector	:	Mr. Pragalbh Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

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.158/2017 registered at Police Station– Tarbahar (S.I.U.) District– Bilaspur (C.G.) for the offence punishable under Sections 415, 416, 417, 420, 120(B) of the Indian Penal Code and Sections 102, 103, 104, 107, 114 of the Trade Marks Act, 1999.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 13.7.2018. No case is made out against him. The appellant is CEO of Sahara Samay News using a Web Portal as

[Http://www.saharasamaynews.in](http://www.saharasamaynews.in). The web portal was obtained legally through Godaddy.com from Amorphous Technology solution Pvt. Ltd. and the same was affiliated with it. No case is made out for the offence of cheating or infringement under the provisions of Trade Marks Act, 1999. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant had been engaged in commission of offence of cheating by running a web portal without there being any authorization or license by Sahara India T.V. Network. It is also alleged that applicant was using the logo and trade mark of the Sahara Group, therefore, it is a clear case of cheating and forgery. Hence, the application be rejected.
4. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. Complainant Shailendra Pathak, a representative of Sahara India T.V. Network, Bilaspur, has lodged FIR that this applicant is running a web portal using the name of saharasamaynews.in and that he is also using trade mark of the Sahara Group without having any authorization or license by the Sahara Group of Company in this regard. On the basis of aforesaid allegations, a case has been registered against the applicant.
7. Having considered all the material present in the case diary, for the reason that custodial interrogation of the applicant is not required further and that he is a local resident of District Bilaspur, therefore, I am of this view that this is a fit case where applicant should be

enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha