

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1127 of 2018

- Hemant @ Harish Goyal S/o Shri Basant Kumar Goyal, Aged About 30 Years, Proprietor Goyal Traders, Infront Of Seeta Rice Mill, Jevra Sirsa, P.S. Jevra Sirsa, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Jevra Sirsa, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

MCRC No. 6613 of 2018

- Rishi Kumar Sahu S/o Kanhaiya Sahu, Aged About 39 Years, R/o Village Nankatti, Police Station Nandini Nagar, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jevra Sirsa, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri T.K.Jha, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-09-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.279/2018 registered at Police Station - Jevra Sirsa, District Durg, Chhattisgarh, for the offence under Section 420/34 of the IPC and Section 63 of Copy Right Act, they are being decided by this common order.

2. MCRCA No.1127 of 2018 has been filed by applicant Hemant @ Harish Goyal for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending arrest in connection with aforesaid crime number and offence and MCRC No.6613 of 2018 has been filed by applicant Rishi Kumar Sahu for grant of regular bail under Section 439 of the Cr.P.C. as he has been arrested on 12-08-2018 in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The allegation that has been made that the applicants had copied the printed matter of Yellow Diamond Rings for their own products is totally false and without any basis. Further, the act as alleged is not covered under provisions of Section 63 of Copy Right Act. Hence, no case is made out against the applicants. Therefore, it is prayed that applicant Hemant @ Harish Goyal (applicant in MCRCA No.1127 of 2018) may be benefited with grant of anticipatory bail and applicant Rishi Kumar Sahu (applicant in MCRC No.6613 of 2018) may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

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

6. Complainant Pawan Agrawal is authorized dealer of Pratap Snacks Limited Company has alleged that firm of applicant Hemant @ Harish Goyal has copied printed design of the cover of the products of Yellow Diamond food products and thus he has committed the offence of cheating and offence under the Copy Right Act.

7. After due consideration on the material present in the case diary, I feel inclined to grant anticipatory bail to applicant Hemant @ Harish Goyal (applicant in MCRCA No.1127 of 2018) and regular bail to applicant Rishi Kumar Sahu (applicant in MCRC No.6613 of 2018).

8. Consequently, MCRC No.6613 of 2018 is allowed. It is directed that applicant Rishi Kumar Sahu (applicant in MCRC No.6613 of 2018) shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

The anticipatory bail application, MCRCA No.1127 of 2018 is also allowed. It is directed that in the event of arrest of applicant Hemant @ Harish Goyal (applicant in MCRCA No.1127 of 2018) 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge