

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4167 of 2019

- Jagdish Kingrani S/o Shri Gurdasmal Kingrani Aged About 51 Years R/o A-11, Vijay Vihar, Priyadarshini Colony, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Maudahapara, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 124/2019, registered at Police Station –Maudhapara, District- Raipur (C.G.) for the offence punishable under Section 420 of the IPC and Section 63 & 65 of the Copyrights Act, 1957.
2. As per prosecution story, complainant of the case Ajay Devalia is an Enquiry Officer of Crown Company Mumbai. He filed a complaint before Additional Superintendent of Police Raipur inter-alia on the allegations that during course of enquiry, it was found that the shop situated at Sharda Chowk known as Sacho Satram

Electronics is involved in the trading of Crown LED T.V. It was also found that the proprietor of the said shop is selling the duplicate LED T.V. by affixing the mono of Crown Company. On the basis of said complaint, shop of the applicant was searched and 6 plan LED T.V. of 40 Inch without any label, 3 LED T.V. of 32 Inch without any label, one LED T.V. which contained the mono of Crown Company and one LED T.V. having a mono of Crown Company was in the shop of the applicant and certain other material was also seized from the shop of the applicant like stickers of My Crown, Crowin and Crown. On the basis of said background, offence has been registered. The applicant is in custody since 11.06.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that Crown Company is not engaged in the business of manufacturing of LED T.V. and they are only collecting the royalty from the persons who are using their mono of Crown. No LED T.V. in the brand name of Crown is available in the market, therefore, it can not be said that by using the brand name of Crown, the applicant has caused any loss to the company. Learned counsel further submits that so far as one LED T.V. seized from the shop of the applicant was not a fresh LED T.V. but it came to his shop for repairing, no fresh item or LED T.V. containing the brand name of Crown was seized from the applicant. He further submits that if the entire case will be accepted as it is, it will be only a case under Trademarks Act. Offence under Section 420 of IPC would not be made out. So far as Section 103 of the Trademarks Act is concerned, it is punishable under the trademarks Act and the minimum punishment of 3 years can be imposed. He further submits that the applicant is a 51 year old man, he has no criminal antecedent, he is in custody since 11-06-2019 and trial is likely to

take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 11-06-2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge