

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1330 of 2019

Shankar Pansari S/o Shri Deendayal Pansari, aged about 48 years, Proprietor
Ganesh Trading Company, R/o Ward No. 12, near Gurudwara, Manendragarh,
Distt. Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Manendragarh, Distt. Korea
(C.G.)

---- Respondent

For Applicant	:	Mr. Abhishek Sinha, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 34/2019 registered at police station Manendragarh, Distt. Korea (C.G.) for the offence punishable under Section 420 of the IPC and Section 63 & 65 of the Copy Right Act.
2. As per prosecution story, on 07/02/2019 Boroplus Health Skin Cream Batch No. CM489L-3 (19 ml) manufactured by Emami Limited, 280 pieces were seized from the shop of the Applicant. It is alleged that the said batch number was not produced by Emami Limited and therefore, there was violation of Section 63 & 65 of the Copy Right Act 1957 and Section 420 of the IPC. On the said background, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He is a small type shopkeeper selling various products which he purchased from distributor. In the instant case also, boroplus cream which is said to have been seized was purchased by the official distributor of M/s Emami Limited, i.e. Rajendra Kumar and Bros. vide invoice No. 2024 dated 04/01/2019 & invoice No. 2183 dated 24/01/2019 which are annexed as Annexure-A/2. The said products was supplied to the distributor by Emami Limited vide invoice dated 29/12/2018 annexed as Annexure-A/3 in which there was no mention of batch number. He further submits that the Applicant is not manufacturing the said cream. The Applicant in no manner indulged in any activity of violating the copy Right Act or cheating as alleged. He prays that the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application. However, he fairly admitted the fact that in invoice dated 29/12/2018 there was no mention of batch number.
5. I have heard counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/Applicant 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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The Applicant 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/-
(Arvind Singh Chandel)
Judge

Rahul