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

ANTICIPATORY BAIL APPLICATION NO.1604 OF 2018

Kanayo Jethanand Kokal

..Applicant

Vs

The State of Maharashtra

..Respondent

WITH

CRIMINAL APPLICATION (APPP) NO.1051 OF 2018

IN

ANTICIPATORY BAIL APPLICATION NO.1604 OF 2018

Daulatram R. Tolani

..Applicant

Vs.

The State of Maharashtra & Anr.

..Respondents.

Mr. Alankar Kirpekar, Sagar Kasar a/w Amoil Wagh I/b Sagar Kasar for the Applicant.

Ms. J.S. Lohokare, APP for the State.

Ms. Meghna Gowalani for informant/Applicant in APPP 1051/2018

Mr. S.J. Mane, API, Ulhasnagar Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 11th March 2019.

P.C.:

1] By an Order dated 13th August 2018, the applicant was granted interim relief.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] The record indicates that, the son of the applicant being plaintiff No.1 has filed a Civil Suit bearing Suit (IPR) No.2 of 2017 in the Court of Additional District Judge, Senior Division, at Kalyan for declaration and injunction and infringement of trademark of the informant namely “Diamond”.

4] It appears that the said civil dispute is still subjudiced for final adjudication. The alleged letter dated 25th April 2006 is also subject matter before the Civil Court. The learned counsel for the informant and the learned APP submitted that, different letters, though dated 25.4.2006 are before the different authorities, the original letter is still not recovered from the applicant. The learned counsel for the applicant on instructions submitted that, in pursuance of Order dated 21st November 2018, the applicant appeared before the Investigating Officer and has submitted the concerned letter under which he has been assigned with the right of trademark “Diamond”.

5] A minute perusal of the record would indicate that, the basic dispute between the parties is pertaining to the use of trademark “Diamond”. Prima facie, it appears that there were business transactions between the applicant and the informant and their business relations were

strained due to ownership and/or use of the said trademark “Diamond”.

6] In view of the above and after perusing the record, this Court is of the considered view that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

In view thereof, interim relief granted by Order dated 13th August 2018 is hereby confirmed.

Application is allowed in the aforesaid terms.

7] In view of Order passed in A.B.A. No.1604 of 2018, Criminal Application No.1051 of 2018 for intervention does not survive and is accordingly disposed off.

(A.S.GADKARI, J.)