

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 94 OF 2020

Mr. Mohd. Hanif Kashim ShaikhApplicant

v/s.

The State of Maharashtra
(At the instance of CB, CID,
Property Unit)Respondent

Mr. Mohd. Arif Siddiqui a/w. Mr. Irfan Ansari a/w. Mr.
Siraj Ansari, Advocate for the applicant.

Mr. Alankar Kirpekar a/w. Mr. Shekhar Bhagat a/w. Mr.
Aakash Joshi i/by. MAG Legal, Advocate for the
original complainant.

Mrs. Rutuja Aambekar, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 16th January, 2020.

P.C. :

1. Heard.
2. Pre-dominantly, the offence alleged against the applicant is of infringement of copyrights under Section 63 of the Copyrights Act,

1957 and one under Section 103 of the Trade Marks Act, 1999. The applicant was allegedly found selling Rayban Glasses and on the report of the authorised representative of the owner of the registered trademark, the subject crime came to be registered for the offences punishable under Section 420 of the Indian Penal Code, Sections 103, 104 of the Trade Marks Act, 1999 and Section 63 of the Copyrights Act, 1957.

3. The punishment prescribed for the offence punishable under the Trade Marks Act and Copyrights Act is upto three years.

4. In view of the facts of the case and the provisions of the Copyrights Act, in my view, custodial interrogation of the applicant is not required.

5. Thus, the following order :

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of arrest of the applicant in C.R. No. 234 of 2019 registered with CB, CID, Property Unit, he be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one local surety in the like sum.

(iii) The applicant shall report to the Investigating Officer on 21st, 24th, 28th and 31st of January, 2020 between 11.00 to 1.00 p.m. and thereafter once in a week on each first Monday till the chargesheet is filed.

(iv) The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today;

(v) The applicant shall not tamper with the evidence or attempt to influence

*or contact the complainant, witnesses or
any person concerned with the case.*

6. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)