

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 258 of 2021

- Vijay Gupta, S/o Shri Brij Gupta, Aged About 36 Years R/o - Block Colony, Abhanpur, Tehsil And Police Station Abhanpur, District - Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station Pithora, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-Applicant

MCRC No. 1490 of 2021

1. Bhagwat Dahariya S/o Shri Bishat Dahariya , Aged About 45 Years R/o Gotiyardih, P.S. And Tehsil-Abhanpur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Dilip Khare S/o Late Shri Dinesh Khare, Aged About 22 Years R/o Ward No. 9, Abhanpur, P.S. And Tehsil Abhanpur, District-Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Pithora, District- Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri V.K. Agrawal, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.03.2021

1. As both the MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.
2. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as

they are in jail since 22.12.2020 and 24.12.2020 respectively in connection with Crime No.311/2020, registered at Police Station- Pithora, District Mahasamund (CG) for the offence punishable under Sections 420 of the IPC and Section 63 of the Copyright Act.

3. Case of the prosecution is that on 15.12.2020, complainant Piyush Agrawal made a written complaint that some persons are trying to sell duplicate engine oil in Pithora area and on the basis of said complaint police stopped one vehicle i.e. Tata ACE No.CG 04 MN 1486 and recovered 798 boxes of duplicate Castrol & Servo Company oil containing 900 ml each, total amounting to Rs.2,49,696/-. On the basis of this, the applicants were taken into custody.
4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that the applicants and the complainant are business persons and on account of competition in the market regarding selling of oil, a false report has been lodged by the complainant against the applicants. He further submits that yet charge sheet has not been filed and the applicants are in jail since December, 2020 and disposal of trial may take some time, therefore, at this stage, the applicants may be granted bail.
5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and the fact that the applicants and the complainant are business persons and the offence is registered under Section 63 of the Copyright Act; there is no criminal antecedents of the applicants as stated by both the counsel and there is no apprehension of the applicants tampering with the evidence or absconding; the detention period of the applicants; yet charge sheet has not been filed and that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicants.
7. Accordingly, the bail applications are allowed.
8. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-
 - (a) they 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 from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge

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