

01.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3649 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Barjora** Police Station Case No. **87** of **2022** dated **19.05.2022** under Sections 420/467/468/469/471/481/482/483/485/486/487/488/120B of the Indian Penal Code, 1860 and Sections 63/69 of Copyright Act, 1957 and Sections 103/104 of the Trademarks Act, 1999.

And

In Re : Subhas Das

..... petitioner

Mr. Ranjan Bachawat, Senior Advocate.

Mr. Soumya Roy Chowdhury

Mr. Sabyasachi Banerjee

Mr. Satadru Lahiri

Mr. Apalak Basu

Mr. Gautam Shroff

Mr. Abhijit Sarkar

Mr. Siddhartha Shroff

....for the petitioner

Mr. Sandipan Ganguly, Senior Advocate.

Mr. Dattatreya Dutta

Mr. Rishav Thakur

....for the de-facto complainant

Mr. Soumik Ganguly

....for the State

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that, there are civil disputes between the private parties. He refers to the orders passed by the Civil Court. He submits that, the petitioner is not a party-defendant in such civil suit. According to him, there are issues as to whether the

de-facto complainant can legitimately claim trade mark rights in respect of the subject matter in the State of West Bengal or not.

State and the de-facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the petitioners are manufacturing TMT Bars using the trade mark of 'Jindal'.

Learned advocate appearing for the de-facto complainant submits that, the de-facto complainant is authorised to use the trade mark of 'Jindal' in the State of West Bengal. The petitioner is manufacturing TMT Bars using such trade mark wrongfully and illegally.

Apparently, there are civil disputes between the private parties. The issue as to whether the petitioner is manufacturing the TMT Bars by using the trade mark of 'Jindal' or that the petitioner is prohibited in doing so ought to be decided in the Civil Court.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the

petitioner shall meet the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)