

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

ANTICIPATORY BAIL APPLICATION NO. 197 OF 2023

Sunil Chimanlal Shah

..Applicant

VS.

The State of Maharashtra

..Respondent

Adv. Ashutosh Thipsay i/b Adv. Dinesh Mishra and Adv.
Tanmay H. G. for the Applicant.

Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 23, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is the application for pre-arrest bail in respect of First Information Report No. 8 of 2023 dated 03/01/2023 registered with Kasturba Marg Police Station, for the offence punishable under section 420 read with section 34 the Indian Penal Code, 1860 and under sections 51 and 63 of the Copyright Act, 1957.
- 3.** It is alleged that the applicant was found selling sub-standard goods under the name of the first informant's company. The applicant is not the owner of the shop but an employee in the said shop. A raid was conducted and all

the goods have been seized. The first informant appeared in person before the Sessions Court and stated that he has no objection, if the applicant is released on bail by imposing stringent conditions. A notice under section 41A of the Code of Criminal Procedure, 1973 was issued, however, under the apprehension that he may be arrested, the applicant approached the Sessions Court for pre-arrest bail.

4. Considering the nature of the accusations against the applicant, coupled with the fact that he is not the owner of the shop but an employee of the shop which is owned by his brother and further, the first informant has given no objection to releasing the applicant on bail, it would be sufficient if the applicant cooperates with the investigation. There are no criminal antecedents reported against the applicant. In this view of the matter, custodial interrogation of the applicant is not required, as the goods have been seized. Hence, the following order.

ORDER

(a) In the event of arrest, the applicant – Sunil Chimanlal Shah, in respect of First Information Report No. 8 of 2023 dated 03/01/2023 registered with Kasturba Marg Police Station,

shall be released on bail on furnishing P.R. bond in the sum of Rs 25,000/- with one or more sureties of the like amount.

(b) The applicant to report to the concerned police station on 27/01/2023 and 28/01/2023 between 11.00 am and 01.00 pm and thereafter, as and when called.

(c) The applicant to co-operate with the Investigating Officer.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

5. The application is disposed of.

(M. S. KARNIK, J.)