

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 446 OF 2023**

1. Chen Tag Singh
2. Karsan Parbat Minat ...Applicants
vs.
The State of Maharashtra ...Respondent

**ALONG WITH
INTERIM APPLICATION (ST) NO. 7889 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 446 OF 2023**

Rajesh Kumar Inderdas Vaishnav ...Applicant
vs.
Chen Tag Singh ...Respondent

Mr.Vrushabh Savla – Advocate for Applicant.
Mr.H.J.Dedhia – APP for Respondent-State.
Mr.Shirsath – API – Narpoli Police Station – Bhiwandi.

CORAM : S. M. MODAK, J.

DATED : 22ND JUNE 2023

P. C. :

1. Papers are not received from the Office.
2. The Investigating Officer is present. Learned APP is ready to go on with the matter. Hence, I have heard both of them after going through the copy of Application shown to me by learned Advocate for Applicant.

Satish Sangar

3. Already there is an interim protection granted by this Court vide order dated 20th April, 2023. The FIR is registered with Narpoli Police Station under Section 63 of Copyright Act, 1957 and under Section 420 read with 34 of Indian Penal Code, 1860 [“IPC”].

4. The present Applicants who are named in the FIR were granted ad interim protection. There was direction to attend the Police Station. The Investigating Agency is not having any grievance about non attendance.

5. The First-Informant is one Rajeshkumar Vaishnav. He purchases the stationary articles from China and sells it in the name and style as JSK Trade International. He is having copyrights for packing for the products. He got information that someone has copyrighted that packing artistic work in the market . Hence, he has lodged the complaint with Deputy Commissioner of Police – Zone II – Bhivandi on 3rd January, 2023.

6. When he visited Narpoli Police Station on 5th January, 2023, he accompanied the Police for inspecting the premises at Bhivandi. They noticed that there is godown in the name of a company HENIC TM ECO. There are certain cartons in which, packing designs similar to the packing design of the First-Informant were kept. The owner is

the Accused Karsan Minat. He could not produce any certificate for that work and accordingly, an FIR came to be lodged.

7. As said above, the Applicant has cooperated the Police by giving attendance. I do not think that their custodial interrogation is required. The Court of Additional Sessions Judge has rejected their request vide order dated 12th January, 2023. Considering the above facts, I find custodial interrogation is not required. Those articles were sealed and panchnama was prepared. No case is made out by the Police for the same.

8. In view of that, following order is passed :-

O R D E R

- (i) The order dated 20th February, 2023 is confirmed.
- (ii) In case of an arrest in connection with C.R. No. 8 of 2023 registered with Narpoli Police Station – Thane City for the offences punishable under Section 63 of Copyright Act, 1957 and under Section 420 read with 34 of IPC, both Applicants viz., (i) Chen Tag Singh and (ii) Karsan Parbat Minat be released on furnishing personal bond and surety bond of Rs.15,000/- each.
- (iii) They are directed to cooperate the Police as and when required.

9. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.

10. Application is disposed of in the aforesaid terms.
11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]