



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.670 OF 2023

(Rajkumar Pusaram Laturiya Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H.M. Mohta, Advocate for the applicant.
Shri N.R. Rode, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 30, 2023.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.304/2023 registered with Police Station M.I.D.C., Akola for offences punishable under Section 420 of the IPC read with Sections 63, 65 of the Copyright Act, 1957 and Sections 102, 103 and 104 of the Trademark Act, 1999.

3. Learned Counsel for the applicant submitted that the applicant is apprehending arrest at the hands of police as FIR is lodged against him on the basis of report lodged by Shrihari Tripathi wherein it is alleged that he is an employee of one supreme industry who is also dealing in manufacturing of water tanks. 14 tanks of 500 litres and 14 tanks of 1000 litre of SUPREME GOLD company were found at the work premises of the applicant and the present applicant had infringed the copyright and used the trademark of the SUPREME company and thereby cheated them. On the basis of report, the crime is registered. Learned Counsel for the applicant further submitted that

offences under Section 63 and 65 of the Copyright Act, 1957 and Sections 102, 103 and 104 of the Trademark Act, 1999 are non-cognizable. Only Section 420 of the Indian Penal Code is cognizable. Now 28 tanks are already seized. The documents are already seized. Custodial interrogation of the present applicant is not required and hence he be protected by granting protection.

4. Learned APP strongly opposed the application on the ground that the applicant is involved in a crime that he used the Trademark of the SUPREME GOLD company and also infringed the provisions of the Copyright Act. His custodial interrogation is required and prays for rejection of the application.

5. Heard learned Counsel for the applicant and learned APP for the State. Perused the reply. From the reply of the State it reveals that already the investigation is practically completed and relevant statements of the witnesses is already recorded. Certain documents are already procured. The incriminating articles i.e. 28 water tanks are seized. As far as the interrogation is concerned, which can be carried out by imposing the conditions on the present applicant. The custodial interrogation of the present applicant is not at all required. Moreover, the offence is not punishable with imprisonment of more than 7 years. In the light of the observation of the Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another [(2022) 10 SCC 51]*** the applicant can be protected by granting

anticipatory bail.

6. In view of that, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant Rajkumar Pusaram Laturiya in Crime No.304/2023 registered with Police Station M.I.D.C., Akola for offences punishable under Section 420 of the IPC read with Sections 63, 65 of the Copyright Act, 1957 and Sections 102, 103 and 104 of the Trademark Act, 1999, be released on anticipatory bail on furnishing PR Bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer for the investigation purpose.

(iv) The applicants shall furnish their Cell phone number and address with address proof before the Investigating Officer.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)