



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

CRIMINAL APPLICATION (ABA) NO.681 OF 2023

(Hitesh Sureshkumar Wakhariya Vs. State of Maharashtra thr. its PSO PS MIDC,
Akola, Tah. & Dist. Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A. Karunavat, Advocate for Applicant.
Mr. H. D. Phutane, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th DECEMBER, 2023.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.303/2023 registered with Police Station MIDC, Akola under sections 63 and 65 of Copy Rights Act and sections 102, 103, 104 of Trademark Act and under section 420 of the IPC.

2. The learned counsel for the applicant submitted that applicant is apprehending arrest at the hands of police as one Mr. Shrihari Tripathi has lodged the report against the present applicant and other co-accused alleging that the applicant and his son are dealing in duplicate goods by showing the said goods of Supreme PVC pipe and plastic water tank of Supreme Industry Limited. It is further alleged that the company by name Supreme Gold has registered the Copy Right and Trademark for the said product. On 03.10.2023, he received the information that the applicant and his son are using the trademark, and

therefore, he lodged the report. He further submitted that as far as the recovery of the articles is concerned which are already released, co-accused is released on anticipatory bail physical custody of the present applicant is not required and prays for protection by way of ad-interim anticipatory bail.

3. The learned APP has strongly opposed the application on the ground that interrogation with the present applicant needs to be done and therefore, custody is not required.

4. Having heard the learned counsel for the applicant, perused the recitals of the FIR. From the investigation papers it reveals that the incriminating articles are already recovered, co-accused is already released on bail, physical custody of the present applicant is not concerned. As far as the contention of the learned APP is concerned some conditions can be imposed on the applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] In the event of arrest in connection with Crime No.303/2023 registered with Police Station MIDC, Akola for the offences punishable under section 420 of the Indian Penal Code, sections 63, 65 of the Copy Rights Act and sections 102, 103 and 104 of Trademark Act.
- [iii] The applicant is released on anticipatory

bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

[iv] The applicant shall attend concerned police station as and when required for the investigation purpose and shall co-operate in the investigation.

[v] The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witnesses, who are connected with the crime.

5. The application is disposed of.

JUDGE