



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

CRIMINAL APPLICATION (ABA) NO. 682/2023

(Gaurav Shrigopal Boob V/s 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

Mr. V.S.Sharma, counsel for the applicant.

Mr. Harshal Futane, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/12/2023.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.302/2023 registered with M.I.D.C. Police Station, District Akola, for the offence punishable under Sections 63, 65 of the Copy Right Act, 1957 read with Sections 102, 103 and Section 104 of the Trade Mark Act, 1999 read with Section 420 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submitted that the applicant is apprehending arrest at the hands of the Police as one Mr. Shrihar Tripathi has lodged the report against the present applicant and other co-accused alleging that the applicant is dealing with duplicate goods by showing the said goods of Supreme PVC pipe and plastic water tank of Supreme Industry Limited.

3. It is further alleged that the company by name Supreme Gold has registered the Copyright and

Trademark for the said product. On 03.10.2023, he received the information that the applicant is using the said trademark, and therefore, the report is lodged.

4. The learned counsel for the applicant submitted that as far as the recovery of the articles is concerned which are already recovered. Now, nothing is to be seized from the present applicant and custodial interrogation of the present applicant is not required. He further submitted that in similar sets of fact, in another crime, the applicants are already protected by granting anticipatory bail.

5. The learned APP strongly opposed the present application on the ground that the physical custody of the present applicant is required for the interrogation purpose.

6. Having heard learned counsel for the applicant and on perusal of the recitals of the FIR, it reveals that incriminating articles are already recovered. In a similar set of facts, the anticipatory bail of the other accused in another crime is already released on bail. Considering the physical custody of the applicant is not required. As far as the contention of the learned APP is concerned, the conditions can be imposed on the applicant for the interrogation purpose.

7. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass following order:

- a. The criminal application is **allowed**.
- b. In the event of his arrest in connection with Crime No. 302/2023 registered with M.I.D.C. Police Station, District Akola, for the offences punishable under Sections 63, 65 of the Copyright Act, 1957 read with Sections 102, 103 and Section 104 of the Trade Mark Act, 1999 read with Section 420 of the Indian Penal Code, 1860.
- c. The applicant is released on anticipatory bail on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- d. The applicant shall attend the concerned police station as and when required for the investigation purpose and shall co-operate with the investigation.
- e. The applicant shall not tamper with the prosecution evidence or shall not induce, threat or pressurize any witnesses, who are connected with the crime.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J]