



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2089 OF 2023

Ashishek Rajesh Karajge

VERSUS

The State Of Maharashtra And Another

...

Mr. M. S. Deshmukh h/f Mr. U. L. Momale, Advocate for
Applicant

Ms. P. J. Bharad, APP for Respondents/State

WITH

CRIMINAL APPLICATION NO. 887 OF 2024
IN ABA/2089/2023

Mahesh Arjun Mookiah

VERSUS

The State Of Maharashtra And Another

...

Mr. Ajay Singh a/w Mr. Swapnil Dargad & Deepak
Khandelwal i/by Singh Law Chambers LLP, Advocates for
Applicant

Ms. P. J. Bharad, APP for Respondents

...

CORAM : R.M. JOSHI, J
DATE : JULY 25, 2024

PER COURT :

1. Applicant apprehends arrest in connection with
Crime No. 859/2023 registered with MIDC Latur Police
Station, Dist. Latur for the offences punishable under
Sections 419 & 420 read with Section 34 of the Indian
Penal Code and Sections 51 and 63 of the Copyright Act,
1957.

2. The offence came to be registered at the instance of a Detective Agency claims to have appointed by M/s. Asian Paints. It is allegation of informant that information was received about the manufacture of spurious products of paints by Applicant in his one plus spark company situated at plot no. A 19, MIDC, Harangul, Latur. An raid was conducted with the help of police on 28.11.2023 at around 03.53 pm. In the said premises of one plus spark company, paint as well as more than 350 empty buckets of Asian Paints were seized. It is thus alleged that present Applicant has manufactured spurious products of Asian Paints and sought to sell the same as genuine. Offence is registered under Indian Penal Code as well as under Copyright Act.

3. Learned Counsel for the Applicant has drawn attention of the Court to the document placed on record which indicates that Applicant is dealer of Asian Paints and there are disputes between him and the company with regard to the excess material as well as defective material forwarded to him. It is also submitted that immediately after filing of the

proceedings against Company, present action is sought to be initiated against Applicant. He placed reliance on statement of a person who is working for a period of six months with Applicant. It is his submission that in the FIR it is nowhere disclosed that the Applicant is the dealer of the said Company.

4. Learned APP submits that there is a Chemical Analyzers report which indicates that the goods were seized from the premises of the Applicant are not genuine products of the company. It is her submission that there is statement of witness which indicates about the manufacturing of spurious paint and products by the Applicant.

5. Learned Counsel for the Asian Paints opposes the grant of anticipatory bail on the ground that there was no necessity to disclose in the FIR about Applicant being dealer as the raid has been conducted in different establishment of the Applicant. According to him, at this stage this Court is required to see as to the seizure done from the premises of the Applicant. It is also argued that the empty buckets can never be

supplied by the company. He also places reliance on the chemical analyzers report which indicates about counterfeiting of the product. Thus, according to him, it is not a fit case for grant of anticipatory bail.

6. For the purpose of determining the liberty of any person, it is necessary for the Court to consider as to whether the information given to the police is true. It is not in dispute that the Applicant is dealer of Asian Paints for not less than 7 to 8 years. There is further documentary evidence on record to indicate that there are disputes between Applicant and company. The said dispute is apparently since year 2021. The communication entered into by the Applicant with the Company shows that the defective products were supplied by the Company so also excess material was send. There is nothing on record to indicate that this communication is responded by the Company or allegation made therein are refuted. There is also documents on record which indicates that in proceedings filed against the Company an notice came to be issued under Section 20(2) of the Legal Services Authorities Act, 1987. All this documentary evidence on record

indicates there are dispute between the Applicant and the Company with regard to the defective material as well as excess material send to the Applicant. In the light of these facts when the informant conveniently suppresses the fact about dealership of the Applicant, there is reason to believe that this could be a case of false implication

7. As far as seizure part is concerned, as per the case of prosecution itself entire seizure is done right from the date of filing of the FIR. Nothing is to be recovered at the instance of Applicant now. In such circumstances, there is no impediment in protecting his liberty. Prosecution has not shown that the Applicant has abused his liberty protected by order of this Court dated 21.12.2023.

8. Having regard to the above discussion, application is allowed by confirming interim order dated 21.12.2023. Pending application stands disposed of.

(R. M. JOSHI, J.)