

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2905 OF 2024

Praveen Manilal Jain ... Applicant
Vs.
State of Maharashtra ... Respondent

Ms. Prajakta Pawar-Bhosale a/w. Mr. Harshwardhan Pawar i/b. Mr. Milind D. Pawar for Applicant.

Mr. B. V. Holambe-Patil, APP for Respondent-APP.

Mr. V. K. Babar, API, Kondhwa Police Station, Pune City.

CORAM : MANISH PITALE, J.

DATE : OCTOBER 25, 2024

P.C. :

. Heard Ms. Pawar - Bhosale, learned counsel for the applicant and Mr.Holambe-Patil, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0073 of 2024 dated 21.01.2024 registered with Kondhwa Police Station, District - Pune City, for offences under Sections 103 and 104 of the Trade Marks Act, 1999; as also Sections 63 and 65 of the Copyright Act, 1957 and Sections 420 and 487 of the Indian Penal Code, 1860 (IPC).

3. The allegation against the applicant is that, he filled containers showing the label of trademarks and copyrights - Castrol, Bosch and TVS with ordinary oil and was selling the same in the market, thereby not only violating the registered trademark and copyright of the entities, but also cheating the said companies as well as the consumers.

4. Although the learned APP has invited attention of this Court to documents recovered during the course of investigation, showing that

ordinary oil was filled in such containers, thereby indicating *prima facie* case against the applicant, this Court is inclined to grant interim relief to the applicant, while keeping the application pending, for the reason that it appears that all such material has been already seized during the raid conducted by the investigating authority. The godown from where such material was recovered has been already made subject matter of the raid and at this stage, it does not appear that the applicant has continued with the said activity.

5. Although the learned counsel for the applicant claims that the applicant has co-operated with the investigation as he remained present before the investigating officer, there is nothing on record to support such a contention.

6. In the meanwhile, there shall be interim order in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0073 of 2024 dated 21.01.2024 registered with Kondhwa Police Station, District - Pune City, he shall be released on bail on furnishing PR Bond of Rs.50,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 28.10.2024 and 29.10.2024 between 10:00 a.m. and 12 noon and thereafter as and when required by the investigating officer;
- C. The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer;
- D. The applicant shall not influence the informant,

witnesses or any person concerned with the case and he shall not tamper with the evidence.

7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8. List on 25.11.2024, H.O.B.

(MANISH PITALE, J.)

Minal Parab