



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

CRIMINAL BAIL APPLICATION (ABA) NO. 410 OF 2024

Huzaif Khan Rauf Khan and anr.

Vs.

State of Maharashtra, Thru. PSO, PS Nagpuri Gate, Tq. & Dist. Amravati.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Aastha Sharma, Advocate for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 16.07.2024

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.149/2024 registered with Police Station Nagpuri Gate, Amravati, for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code and under Sections 51, 52, 63 and 68 of the Copy Right Act, 1957, along with Section 103 and 104 of the Trade Marks Act, 1999.

2. The accusation against the present applicants is on the basis of report lodged by one Vijay Uttamrao Pawar who claims to be the Field Officer of Netrika Consultancy Private Limited, which has been authorized by the Hindustan

Unilever Limited to keep watch on any activity relating to the copyright and trademark infringement in the State of Maharashtra of the products of Hindustan Unilever Limited. As per the allegations on 21.04.2024, the complainant had received the information that the duplicate stock of Wheel Detergent Powder and Rin Soap is recovered and the said stock was shown to the complainant and upon instructions, it was noticed that these products are not of Hindustan Unilever Limited but the applicants have contravened the provisions of Copyright Act and Trade Marks Act and cheated the public at large.

3. Learned counsel for the applicants submitted that as far as the custodial interrogation is concerned which is not required as entire stock is already recovered. The applicant has already cooperated with the investigating agency, in view of that the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that the applicant has not cooperated with the investigating agency and given the evasive answers and therefore, his custodial interrogation is required.

5. After hearing the learned counsel for the applicants and learned APP for the State. Perused the recitals of the FIR as well as the investigation papers from which it reveals that now the entire stock is already recovered as far as the custodial interrogation for the purpose of interrogating agency is concerned which can be taken care of by imposing certain conditions on him, in view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order : -

ORDER

(a) The application is allowed.

(b) The interim protection granted to the present applicant by order dated 12.06.2024 is hereby confirmed on the similar conditions.

6. The criminal application is disposed of.

(SMT. URMILA JOSHI PHALKE, J)