



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.2029 OF 2022
(CNR NO.MHCC05-006759-2022)

IN

C.R. NO.1394/2022
(POLICE STATION, KANDIVALI)

Mr. Ramsurat @ Rajesh Gama Gupta)
Aged 46 years, Occ. Business,)
Presently residing at :)
Flat No. B/42, Gaurang CHS Ltd.,)
Sarojini Naidu Road,)
Kandivali (West), Mumbai – 400 067.)
Having permanent address at :)
C-6, Nilkant CHS, S.V. Road,)
Opp. Kandivali Police Station,)
Fateh Baug, Kandivali (West),)
Mumbai-400067.) **..Applicant**

Vs.

The State,)
Kandivali (Police Station))
Kandivali (Wet), Mumbai.) **..Respondent**

And

Subhash Harishchand Jaiswal) **..Intervenor/
Informant**

Adv. Mr. A.R. Sutrale for the applicant.
APP Mr. Shailesh Pachapohar for the State.
Adv. Mr. Amit Kumar for the intervenor/informant

**Coram : His Honour Addl. Sessions Judge,
Ashish Ayachit
(Court Room No.8)**

Date : 22nd December, 2022.

ORDER

This is an application for anticipatory bail in respect of Crime No.1394/2022 registered with Kandivali Police Station for the offences punishable under Sections 420, 465, 468, 471 of I.P.C. r/w Sections 51 and 63 of Copy Rights Act, 1957.

2. Perused the application and say of Investigation Officer. Informant appeared through Adv. Mr. Amit Kumar. He requested for participation in the proceeding. It is granted. He filed detail application and written objection for opposing anticipatory bail application.

3. Learned Advocate Mr. A.R. Sutrale for the applicant submitted that the applicant is running a shop on the given address. He has permanent residence, having permanent root in the society. The Investigation Officer served notice to him u/s. 41A of Cr.P.C. He attended police station and ready to co-operate in the investigation. He submitted that this court has already granted anticipatory bail to other accused in present crime in A.B.A. No. 1990/2022. Therefore, he requested to grant anticipatory bail to the applicant.

4. As against this, APP Mr. Shailesh Pachapohar for prosecution opposed the anticipatory bail application and submitted that the offence is serious in nature. Huge quantity of bogus Bar code mark colour has been recovered by the Police. He submitted that investigation is yet to be completed, therefore, he requested to reject anticipatory bail application.

5. Learned Adv. Mr. Amit Kumar reiterated the entire written objection. He relied upon following authorities :-

- (i) Jagjeet Singh & Ors. Vs. Ashish Mishra alias Monu & Anr., reported in 2002 SCC OnLine SC 453.
- (ii) Knit Pro International Vs. State of NCT of Delhi and Anr., reported in 2022 SCC OnLine SC 668.
- (iii) Piyush Subhashbhai Ranipa Vs. State of Maharashtra, reported in 2021 SCC OnLine Bom 350.
- (iv) Hemant Kumar Vs. State of U.P. & Anr. Reported in 2021 SCC OnLine All 889.
- (v) M/s. Supreme Bhiwandi Wada Infrastructure Pvt. Ltd. Vs. The State of Maharashtra & Anr., 2021 SCC OnLine SC 507.
- (vi) Sunil Kumar Gupta & Anr. Vs. State, reported in 1998 SCC OnLine Del 550.
- (vii) Rajesh Garg Vs. Tata Tea Limited & Anr. 2011 SCC OnLine Del 981.
- (viii) Ranjit Behera & Anr. Vs. State of Odisha, decided by the Hon'ble High Court of Orissa in ABLAPL No.1810/2022 on 11.08.2022
- (ix) Narayana @ Narayan Ram & Anr. Vs. State of Karnataka decided by Hon'ble High Court of Karnataka in Criminal Petition No.6612/2022 on 8.08.2022.

6. I have carefully gone through all the citations and kept in the mind observation made in it. It may reveal from the written objection as well as say of Investigation Officer that the Police has seized all goods from the shop of the applicant. He is co-operating Investigation Officer in interrogation. In the facts and circumstances, I do not find that custodial interrogation of the applicant is necessary in the present case. The offences are trial of the Judicial Magistrate First class. In such circumstances, I am of view the applicant/accused is entitled for anticipatory bail on the same terms and conditions which are imposed in earlier order passed in A.B.A. No.1990/2022. I, therefore, pass the following order :-

ORDER

1. Anticipatory Bail Application No.2029/2022 is allowed.
2. The applicant-Ramsurat @ Rajesh Gama Gupta be released on anticipatory bail on executing personal bond in the sum of Rs. 20,000/- (Twenty Thousand Rupees Only) with one or two sureties in the like amount, in the event of his arrest in Crime No.1394/2022 registered with Kandivali Police Station for the offence punishable under Sections 420, 465, 468 and 469 of I.P.C. r/w Section 51 and 63 of Copyrights Act, on the following conditions :
 - (i) He shall attend police station twice a month i.e. on 1st and 15th day of month till filing of charge-sheet.
 - (ii) He shall co-operate with the Investigation Officer.
 - (iii) He shall not tamper with the prosecution evidence.
 - (iv) He shall not travel abroad without previous permission of the Investigation Officer during investigation and after filing of charge-sheet of the learned Metropolitan Magistrate.
 - (v) He shall remain present on the day of filing of charge-sheet, if any, filed in the court of Magistrate.
3. Inform the concerned Police Station, accordingly.
4. Anticipatory Bail Application No.2029/2022 stands disposed of, accordingly.

Date: 22.12.2022

(Ashish Ayachit)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi
Goregaon, Mumbai

Dictated by HHJ on : 22.12.2022
Transcribed on : 22.12.2022
Signed by HHJ on : 22.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE
AND TIME : 23.12.2022 4.40 P.M.

ATUL SURYAKANT BHOGTE
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	22.12.2022
Judgment/Order signed by P.O. on	22.12.2022
Judgment/Order uploaded on	23.12.2022