

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 333 of 2015 ()

CRIME NO. 1639/2014 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM

PETITIONER/1ST ACCUSED:

ABDUL NASAR K. AGED 36 YEARS,
S/O.MOHAMMED, KIZHISSERI HOUSE,
PATHAIKKARA, PERINTALMANNA, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
(IN CRIME NO.1639/2014 OF PERINTALMANNA POLICE STATION
MALAPPURAM DISTRICT).

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/20/2/15

B.KEMAL PASHA, J.

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B.A. No.333 of 2015

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Dated this the 20th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1639 of 2014 of the Perinthalmanna Police Station, registered for the offences punishable under Sections 51, 52A and 63 read with 68A of the Copy Right Act, 1984.

3. The allegation against the petitioner and the other accused is that they were engaged in preparing and distributing pirated CDs of films without licence or authorization, thereby violating the provisions of the Copy Right Act. On 13.12.2014, at 8.20 p.m., several such CDs were seized from the shop.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. As the CDs have been seized, there is no scope for any further recovery in the matter. The machinery used for copying the CDs have also been seized. Matters

being so, the custodial interrogation of the petitioner is not required for the continued investigation of this case. Therefore, this is a fit case wherein anticipatory bail can be granted to the petitioner, considering the fact that no criminal antecedents have been reported against him.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) the petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Fridays and Tuesdays commencing from 27.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/20/2/15

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P.A. To Judge