



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20492 of 2015

1 G.ESWARAN
2 P.SENTHILKUMAR

... PETITIONERS/ ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
(CR. NO. NOT KNOWN OF 2015)

... RESPONDENT/ COMPLAINANT

A.ASAITHAMBI

... PETITIONER/INTERVENER/INFORMANT

For Petitioner : Mr.D.DHANA CHANDRA PRAKASH Advocate
For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)
For Intervener : Mr.N.DILIP KUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 103 and 104 of Trade Marks Act r/w. Section 67 of Copy Rights Act and Section 420 of IPC, in Crime No.not known of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is carrying on business of manufacturing and selling Crackers, by brand name, Baby and Eagle. This brand name is registered. The de-facto complainant is carrying on business in Partnership, by name, Lord Fireworks at Sivakasi. They are doing business for the past 50 years. Their products are good quality and they have great demand in the States of Tamil Nadu, Uttar Pradesh, Madhya Pradesh and Bihar. They received an information from their dealer in North India that substandard crackers in the name of Eagle and Baby with the labels of the de-facto complainant are sold in the Market. The de-facto complainant made enquiries and found out that the first petitioner has taken a factory on lease in Sivakasi and the petitioners are manufacturing low quality of crackers and by using the labels of the de-facto complainant, they are selling the same in North India. The first petitioner was working as a paid employee of the de-facto complainant and he used to get orders on behalf of the de-facto complainant, in North India. The first petitioner stopped attending duty after 2014 Deepavali season. He has stolen the labels of the de-facto complainant and by using them to sell low quality of crackers though they were the products of the de-facto complainant. On the complaint given by the de-facto complainant, a case has been registered.



3. The case of the petitioners is that the first petitioner is an agent for Crackers and Fire Works and he was working as an Agent of one M/s.Lord Fire Works Industries, Sivakasi, from 2007 to 2014. The second petitioner is the close relative of the first petitioner.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that under guise of enquiry, the respondent police is threatening the petitioners.

5. The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that the investigation is pending and the petitioners are running VPS Fireworks, Pernaickenpatty, on lease basis and manufacturing low quality of Crackers and sell them, by using the labels of Lord Fire Works, in the market. He further submitted that 24 boxes of Crackers with the labels of Lord Fireworks, which were handed over by the petitioners to one Marimuthu, S/o.Santhanamuthu of Sivakasi, owner of Sindhu Transport, Sivakasi, for supply to North Indian purchasers, were seized on 30.10.2015 under the Mahazar in the presence of Village Administrative Officer and Village Assistant of Ethirkottai. The remaining Crackers manufactured and stored by the petitioners are yet to be recovered. The petitioners are not appearing for enquiry, when summons were sent to them. They are absconding. The custodial interrogation is necessary.

6. The learned counsel for the Intervenor reiterated the averments made in the complaint.

7. Considering the facts and circumstances of the case and the submissions of the learned Government Advocate (Criminal side) that 24 boxes of Crackers with the labels of the de-facto complainant handed over by the petitioners to the Transporters was seized and that the investigation is pending and the petitioners are absconding and the remaining Crackers are yet to be recovered, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
25/11/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE, SIVAKASI TOWN POLICE STATION.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.DILIPKUMAR Advocate SR.No.68061

ORDER
IN
CRL OP(MD) No.20492 of 2015
Date :25/11/2015