



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

Tuesday, the Thirty First day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3206 of 2015

WEB COPY

C. JEYAPRAKASH

... PETITIONER

Vs

STATE REP BY
THE INSPECTOR OF POLICE
EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DT,
CRIME NO.67 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.SHANKAR GANESH Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

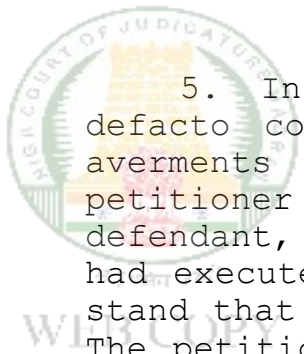
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 482, 483 IPC and Section 63 of the Copy Rights Act in Crime No.67 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is the case of the defacto complainant that they are the owners of the Copyright and Trademark "JEEP", which they use for manufacturing safety matches. It is alleged that this petitioner, who has no right whatsoever, has been duplicating the same label and has been using it for his business. Admittedly, the petitioner and the defacto complainant were partners earlier in the business and that they were marketing their product in the brand name "JEEP". Thereafter, they had fallen apart.

4. Learned counsel for the petitioner brought to my notice the pleadings in ORA No.18 of 2014 that has been filed by the petitioner before the Intellectual Property Appellate Board. In that proceedings, the defacto complainant has filed a counter in which in Paragraph No.4, he has stated that G.Jeyaprakash / petitioner herein had retired from the partnership on 31.03.1994. Pointing out this averment, learned counsel for the petitioner submitted that the retirement deed dated 31.03.1994 is a fabricated document.



5. In response to this argument, learned counsel for the defacto complainant brought to the notice of this Court several averments from the pleadings in O.S.No.20 of 2011 in which the petitioner is the Plaintiff and the defacto complainant is the defendant, wherein the petitioner has unequivocally accepted that he had executed the retirement deed dated 31.03.1994, but has taken a stand that his signature was obtained by playing upon his emotions. The petitioner has not stated that his signature was forged in the retirement deed dated 31.03.1994. Therefore, learned counsel for the defacto complainant submitted that the petitioner, having retired from the Firm, he cannot continuously use the "JEEP" label to the detriment of the defacto complainant.

6. Learned counsel for the petitioner himself produced the label that is used by the petitioner and the label used by the defacto complainant. The "JEEP" picture in both the labels are identical, but in the label used by the petitioner, he has printed the words "T.M.A.New No.1831513 & T.M.A.Old No.510272".

7. Learned counsel for the defacto complainant submitted that T.M.A.New No.1831513 refers to the application given by the petitioner for registering his Trade Mark and T.M.A.No.Old No.510272 refers to the objection raised by the petitioner with regard to the application given by the defacto complainant for registration.

8. Thus, both these numbers printed by the petitioner on the label of his product are patently misleading and they have been done only to cheat the common man and make him believe that the petitioner is the original owner of "JEEP" brand match box.

9. In view of the serious nature of allegations against this petitioner, this Court is not inclined to grant anticipatory bail to him. Hence, the Criminal Original petition is dismissed.

sd/-

31/03/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DT,

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

+1. CC to M/S.N.SHANKAR GANESH Advocate SR.No.10498

ORDER

IN

CRL OP(MD) No.3206 of 2015

Date :31/03/2015