



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3836 of 2015

T.PANDIAN ... PETITIONER/ACCUSED (SINGLE)

R.JOTHIPASS ... INTERVENOR

Vs

THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT. CR. NO.36/2015. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.A.HAFIZA, Advocate

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

ORDER : The Court Made the following order :-

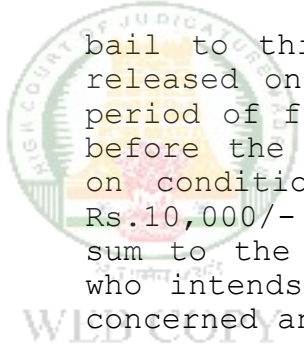
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 and 10 r/w Section 15 of Tamil Nadu Exhibition of Films on TV Screen through Cable TV Network Act and Section 16 of the Indian Copy Right Act, 1995 and Section 420 IPC in Crime No.36 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. Learned counsel for the Intervenor strongly objected to the grant of anticipatory bail to this petitioner. The respondent police have filed a status report.

3. It is the case of the defacto complainant that he is a Local Cable Operator (LCO) in Sivagiri Taluk, having obtained necessary license even prior to the formation of Tamil Nadu Arasu Cable TV Corporation Limited. It is alleged by the defacto complainant that this petitioner is illegally tapping the signals of the defacto complainant and transmitting them to his customers.

4. On the contrary, learned counsel for the petitioner produced the Provisional Allotment Order given by the Tamil Nadu Arasu Cable TV Corporation Limited on 16.09.2014 to the petitioner to operate as LCO in Sivagiri Taluk to cater to 120 subscribers. Therefore, it cannot be said that the petitioner is an unlicensed operator. The status report filed by the respondent police does not say anything about this aspect.

5. The dispute between the petitioner and the defacto complainant appears to be on account of business rivalry. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory



bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation;

[b] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
18/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ANAND Advocate SR.No. 12930

SR : 19.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.3836 of 2015
Date :18/03/2015