



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

Thursday, the Eleventh day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6342 of 2015

WEB COPY

G.JEYAPRAKASH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY
INSPECTOR OF POLICE
EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.67 OF 2015).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

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

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

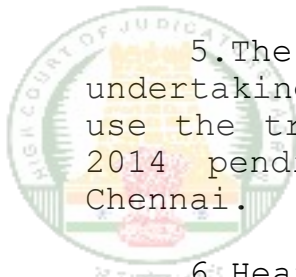
ORDER : The Court Made the following order :-

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

2.The case of the prosecution is that the petitioner has engaged in manufacturing and marketing of all kinds of high quality matches with the trade mark label of 'Jeep', which belongs to the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant were previously partners and thereafter, the petitioner is running a new company and the petitioner was permitted to use the trade mark 'Jeep' after Constitution of the new firm and in respect of the trade mark label dispute, the appeal is pending before the Intellectual Property Appellate Board, Chennai, in O.R.A.No.18 of 2014.

4. The learned counsel for the intervenor vehemently opposed the application stating that the petitioner has no right to use the trade mark label for manufacturing and marketing the product and his earlier application was dismissed and if the petitioner gives an undertaking not to use the trade mark label, his application can be considered.



5. The learned counsel for the petitioner filed an affidavit of undertaking dated 02.06.2014 stating that the petitioner will not use the trade mark label 'Jeep' till the disposal of ORA No.18 of 2014 pending before the Intellectual Property Appellate Board, Chennai.

6. Heard the learned Government Advocate (Crl.side) appearing for the State.

7. Considering the facts and circumstances of the case and considering the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sivakasi, Virudhuangar District, on executing 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 learned Magistrate concerned and on further conditions that the petitioner shall not use the trade mark label 'Jeep' till the disposal of O.R.A.No.18 of 2014 and that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
11/06/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR
- 3 INSPECTOR OF POLICE EAST POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.29945

ORDER

IN

CRL OP(MD) No.6342 of 2015

Date :11/06/2015