



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

Thursday, the First day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22736 of 2016

NAGOORKANI

... PETITIONER / ACCUSED No.1

Vs

State rep.by
THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR,
CR NO. 729/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SARAVANAKUMAR Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 52(A), 68-A of Copy Right Act, 1957 and Section 292-A IPC in Crime No.729 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

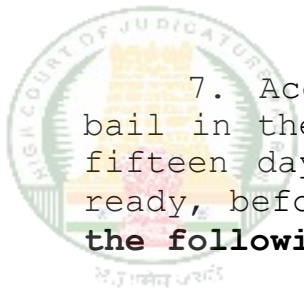
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner was found in possession of 92 pirated new film CDs.

4. Learned Government Advocate (Crl. Side) submitted that all the CDs worth about Rs.710/- were seized and the investigation of the case is pending. She would further submit that the anticipatory bail petition filed by the petitioner in Crl.O.P.(MD) No.20665 of 2016 was dismissed by this Court on 03.11.2016.

5. Learned counsel for the petitioner has submitted that only based on the confession of A2, this petitioner has been roped into this case and A2 was already granted bail by the learned Judicial Magistrate No.I, Virudhunagar.

6. Considering the facts and circumstances of the case and taking note of the fact that even after dismissal of the earlier anticipatory bail petition filed by the petitioner, the respondent police have not taken any steps to secure the accused, this Court is of the view that custodial interrogation of this petitioner is not necessary at this stage. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.



7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date on which a copy of this order is made ready, before the **Judicial Magistrate No.I, Virudhunagar, subject to the following conditions:**

(i) 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 Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders for interrogation;**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

01/12/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR,

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR

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

+1. CC to M/S.P.SARAVANAKUMAR Advocate SR.No.74981

sm:PV:SAR 2:14/12/2016:2P/6C