



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.15178 of 2017

PARVATHAVALLI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,

1 THE INSPECTOR OF POLICE
KATTU PUTHUR POLICE STATION, MUSIRI TALUK,
TRICHY DISTRICT,
CRIME NO.233 OF 2017

2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
CBCID, TRICHY DISTRICT.

4 S.PRAKASH NAGARATHINAM ... RESPONDENT / COMPLAINANT

R2 TO R4 IMPLEAD AS PER ORDER OF THIS HON'BLE COURT
MADE IN CRL MP(MD).10292/17 IN CRL OP(MD).15178/17
DATED 13.11.17 BY AMBAJ

For Petitioner : M/S.R.MAHESWARAN Advocate
For Respondent 1 to 3 : MR.C.MAYILVAHANA RAJENDRAN,
Additional Public Prosecutor
For Respondent 4 : MR.K.RAJESHWARAN Advocate

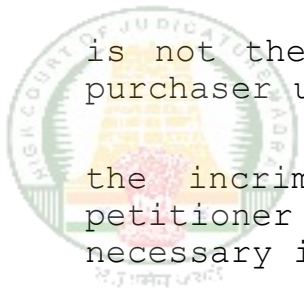
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 420, 476 IPC r/w 29, 102(a), 104 and 105 of Trade Mark Act, 1999 on the file of the first respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have sold PVC pipes having the trade mark of the de facto complainant's company and thereby committed the offence under Trade Mark Act.

3.The learned counsel for the petitioner submitted that the petitioner herein is not the proprietor of the concerned, however, the petitioner's husband alone stands in the name of the petitioner and the affairs of the business were carried on by the husband of the petitioner herein. He further submitted that the petitioner concern



is not the dealer of the alleged PVC pipes and they are only the purchaser under bill for the purpose of sale.

4.The learned counsel for the intervenor submitted that the incriminating materials were seized from the shop of the petitioner and the custodial interrogation of the petitioner is necessary in this case.

5.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that totally there are 3 accused and the petitioner is arrayed as A1 in this case. He also submitted that A2 is the husband of A1 and A3 is employed in Sri Vinayaga Hardware and earlier anticipatory bail petition in CrI.O.P.(MD) No.9107 of 2017 moved by A1 and A2 was dismissed by this Court on 20.09.2017 and after dismissal of the said petition, the husband of the petitioner herein is arrayed as A2 and he was arrested and the incriminating materials were recovered. He also submitted that investigation is still pending before the respondents 2 and 3.

6.Considering the facts and circumstances of the case and also taking note of the fact that since A2 was arrested and he was taken into police custody and the incriminating materials were recovered, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Musiri, 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 3 at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with 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/-
06/12/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
KATTU PUTHUR POLICE STATION,
MUSIRI TALUK, TRICHY DISTRICT.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, TRICHY DISTRICT.

5 THE INSPECTOR OF POLICE
CBCID, TRICHY

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

+1. CC to M/S.R.MAHESWARAN Advocate SR.No.35765

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.35723

ORDER

IN

CRL OP(MD) No.15178 of 2017

Date :06/12/2017

MKV-CM-VR-SAR 2/8.12.2017/3P-9C