



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1992 of 2018

SIVALINGAM

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.62 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.JEYASEELAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 465 & 468 I.P.C., and Sections 102 & 103 of Trade Mark Act, in Crime No.62 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner uses the Syed Beedi Trademark for the purpose of packing his own product Kannan Beedi and sold the Kannan Beedi to the customer as Syed Beedi. Hence, case has been registered against the petitioners for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are two accused in this case. The petitioner herein is A2. Based on the confession statement



given by A1, this petitioner has been implicated in this case. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, A1 uses the syed Beedi Trademark for the purpose of packing his own product Kannan Beedi and sold the same as Syed Beedi. This petitioner was added as an accused based on the confession statement of A1. So, considering the nature of offence committed by the petitioner, nothing has to be recovered by way of interrogation. Therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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 No.V, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
08/02/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.V, MADURAI

2 THE CHEIF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.K.JEYASEELAN Advocate SR.No.2176

ORDER
IN
CRL OP (MD) No.1992 of 2018
Date :08/02/2018

PK/RR-CSL/SAR-1/15.02.2018 : 3P/6C