



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

Tuesday, the Twentieth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4195 of 2018

1 JEYAPATHILINGAMATHAN
2 VELKUMAR

... PETITIONERS / ACCUSED NO. 1 & 2

Vs

1 THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR.NO. 51/2018.

... RESPONDENT / COMPLAINANT

2 MOHAMED ABDULLA

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

For Petitioners: M/S.T.S.MOHAMED MOHIDEEN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

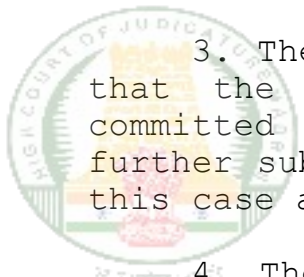
For Intervener : M/S.M.SUBASH BABU, Intervener

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 25.02.2018, for the alleged offences punishable under Sections 482, 483, 486 and 420 of IPC., in Crime No.51 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners herein have sold duplicate Beedi bundles reflecting the name of the defacto-complainant's Company Syed Beedi. When the defacto complainant came to know about the reduction of sale of Syed Beedi in and around Sattur, he appointed the intervenor to enquire into the issue. Subsequently, on 25.02.2018, at 11.30 a.m. near Pethureddypatti Vilakku, the intervenor found that the petitioners were found in possession of duplicate Beedi bundles in a vehicle holding Registration No.TN-76C-0049 (Maruthi Omni) and lodged a complaint before the respondent police. Hence, the present case has been registered for the above said offences.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been falsely implicated in this case and they are in judicial custody from 25.02.2018.

4. The learned counsel appearing for the intervenor submitted that since there was a degrade in sales for the past two months in Sathur area, the Syed Beedi Company appointed the intervenor to enquire the same. At that time, the intervenor find out the reasons for degrade in sales that some miscreant has manufacturing fake beedies and fake labels in the name and style of the Syed Beedi Company and selling in and around Sattur area. Hence, he prays for dismissal of this petition.

5. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is going on.

6. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners selling Beedies worth about Rs.1000/-, having the manufacturing address as Syed Beedi, for which this case has been registered. In fact, on going through the averments made in the FIR, it would appear that the petitioners violated the Trade Mark Provisions. However, as of now, the property which was used for the commission of offence and the property which was sold out by the petitioners are recovered. However, the petitioners is in judicial custody from 25.02.2018. Moreover, the petitioners are the first offenders. Thereby, considering the period of incarceration and other facts and circumstances, this Court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sattur;
- (ii) the petitioners shall report before the Krishnagiri Town Police Station, daily at 10.00 a.m., until further orders;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in



accordance with law as if the conditions have been imposed and the petitioners 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/-
20/03/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-II, SATTUR,
VIRUDHUNAGAR DISTRICT.
- 2 DO TRHOUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.
- 4 THE SUB INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE OFFICER IN-INCHARGE,
SUB-JAIL,
VIRUDHUNAGAR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.T.S.MOHAMED MOHIDEEN Advocate SR.No.4380.

ORDER
IN
CRL OP (MD) No.4195 of 2018
Date :20/03/2018

SDS/PN/SAR.2/20.03.2018/3P/8C