



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.521 of 2019

RAJAN

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.368/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.A.THIRUVADI KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 482, 483, 486 and 420 of IPC, in Cr.No.368 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is running a Beedi Company at V.K.Puram. The defacto complainant is the Sales Executive of Syed Beedi and the said concern had obtained Trade Mark license. There was a sudden decrease in the sales of Beedi in Ambasamudram, Agasthiyarpatti and Vickramasingapuram, a survey was initiated by the Defacto Complainant along with one K.Ramachandran. On 17.12.2018 at 11.00 a.m., while the defacto complainant had camped near Cambridge School and found that in a house at Sivasakthi Nagar, duplicate Syed Beedi, Ganesh Beedi, 10 Mark Beedies were being prepared. On enquiry, it was found that the petitioner and other accused indulging in producing the same duplicate Beedies and thereby cheating the public by circulating them in the Market and had been causing revenue loss to the Government.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is not selling any Beedi in the Trade Mark as stated by the defacto complainant. He would further submit that most of the offences are

bailable one and due business rivalry, a false case has been



registered against the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the accused Nos.2 & 3 were already arrested and they have also given a confession stating that the accused No.1 is the owner of the Beedi factory and they are working under him. Based on the confession statement, certain contrabands were recovered.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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, Ambasamudram 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.983

ORDER

IN

CRL OP(MD) No.521 of 2019

Date :18/01/2019

TK/VR/SAR-4/22.01.2019/3P/6C