



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

Tuesday, the Eighteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8123 of 2019

1 ANIPA @ HANIFA

2 MOHAMMED HAQ

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
SHOLAVANDHAN POLICE STATION,
SHOLAVANDHAN,
MADURAI DISTRICT.

CRIME NO.145 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAMED YUSUF Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 486, 420 of IPC and 103(a), 104 of Trade Marks, Act 1999 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 21.05.2019 and from that date onwards they are in custody. He further submitted that the property was recovered and the seized properties was not sent to chemical analysis. He would further submit that the petitioners herein are employees and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners herein are selling duplicate Mangalore Ganesh deodars. Hence he strongly opposed to grant anticipatory bail to the petitioners. However he fairly conceded that no previous case is

pending against the petitioners. He would further submit that the entire properties were seized and not sent for chemical analysis.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioners are in custody for the past 55 days and also the fact that there is no previous case pending against the petitioners and also the fact that the seized properties were not sent for chemical analysis, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Vadipatti, Madurai.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[e] On breach of any of the aforesaid conditions, 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].

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

sd/-

18/06/2019

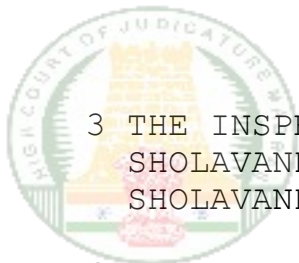
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



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

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No. 9904

ORDER

IN

CRL OP (MD) No.8123 of 2019

Date :18/06/2019

JM/VR/SAR 4/18.06.2019/3P/7C