



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

Date : 15/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9637 of 2019

1.Raja @ Alaguraja

2.Gopal

... Petitioners/Accused
No.4 and 5

Vs

The Inspector of Police,
Intellectual Property Rights Enforcement Cell,
(IPREC), Aathikulam,
Near Reserve Line, Madurai.
Crime No.29 of 2019

... Respondent/Complainant

For Petitioners : M/s.C.Ganesh Kumar, Advocate.

For Respondent : Mr.V.Neelakandan, Additional Public Prosecutor

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

PRAYER :-

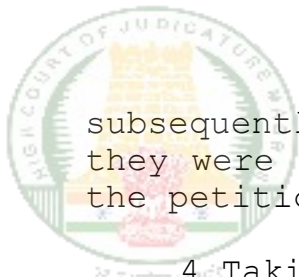
For Anticipatory Bail in Crime No.29/2019 on the file of the
Respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 420,
468 and 485 of I.P.C r/w Section 51(b)(i), 63(a) and 65 of the Copy
Right Act, 1957, in Crime No.29 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and they have been
falsely implicated in this case, only based on the confession given
by A-1 and A-3 in this case. He further submitted that A-1 to A-3
were already arrested and subsequently, released on bail. Hence, he
prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the
respondent has submitted that there are totally 5 accused involved
in this case. He further submitted that in this case, A-1 to A-3
were already arrested and subsequently, released on bail. Even as
per the F.I.R, the petitioners' name do not find place. But



subsequently, on the basis of the confession given by A-1 to A-3, they were included as A-4 and A-5. However, he fairly conceded that the petitioners have no previous case.

4. Taking into consideration of the aforesaid fact that A-1 to A-3 were already arrested and subsequently, released on bail, also the fact that in the F.I.R, nowhere it is stated that the defacto complainant has registered his brand name and what is his brand name and also the fact that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.4, Madurai on condition that the petitioners shall each execute 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 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioners 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 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/-

15/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO 4,
MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT CELL,
(IPREC), AATHIKULAM,
NEAR RESERVE LINE, MADURAI.

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

+1. CC to Mr.C.GANESH KUMAR Advocate SR.No.11728

ORDER

IN

CRL OP(MD) No.9637 of 2019

Date :15/07/2019

vs

TK/PN/SAR.4/22.07.2019/3P/6C