



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21156 of 2018

MURALI,

... PETITIONER / **(**) ACCUSED RANK NO.1**

Vs

THE INSPECTOR OF POLICE (CRIME)
SATTUR TALUK POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.

(*) (IN CRIME NO.292 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.M.ARUMUGAM Advocate

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

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

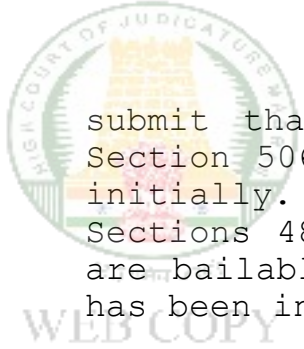
ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections **(***) 482, 483 and 420 IPC**, in **(*)Cr.No.292 of 2018** seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the one of the partner of the East India Match Factory, Kovilpatti. The factory has a trade mark with two particulars, namely, watch and rose. On 21.11.2018, when one Kannan, who is known to the defacto complainant, was passing through Amar Transport, he found that 355 match boxes in the name of Watch and 169 match boxes in the name of Rose were to be sent by lorry. Then the owner of the lorry transport namely Ganesan was enquired by the respondent police. On the investigation conducted by the respondent police, it is found that one Murali had printed the above said match boxes and the same were to be sent to one Uppalamanagalaraj, Visakapattinam.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the petitioner would



submit that the defacto complainant had filed a complaint under Section 506(i) IPC and Sections 103 and 107 of the Trade Marks Act initially. Subsequently, the respondent police have altered the Sections 482, 483 and 420 IPC on 24.12.2018. Sections 482 and 483 are bailable offence and for the purpose of this case, Section 420 has been included, even though it is not attracted.

4. The learned counsel for the petitioner would further submit that a false case has been foisted against him and he had nothing to do with the alleged offence. The petitioner is a printer and not a manufacturer of matches. The petitioner was implicated in this case on a mere suspicion. A2 in this case has been granted anticipatory bail by this Court in CrI.O.P.(MD)No.22984 of 2018 dated 27.12.2018.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. Side).

6. Taking into consideration the facts of the case and the nature of the offence and the submissions made by the learned counsel, this Court inclined to grant anticipatory bail to the petitioner.

7. 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 Court, Sattur, Virudhunagar District, 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 conditions that:

[a] if the petitioner fails 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 concerned Magistrate for a period of two weeks, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/01/2019

(*) (**) Amended as per the orders of Hon'ble Court made in CRL MP(MD)10657/2018 in CRL OP(MD).No.21156/2018 vide order dated 20.12.2018 by MNKJ.

(***) Amended as per the order of Hon'ble Court made in CRL MP(MD)320/2019 in CRL OP(MD).No. 21156/2018 vide order dated 11.01.2019 by MNKJ.

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SATTUR, VIRUDHUNAGAR DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE (CRIME)
SATTUR TALUK POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.C.M.ARUMUGAM Advocate SR.No.886

ORDER

IN

CRL OP(MD) No.21156 of 2018

Date : 11/01/2019

AE/VR/SAR2/25.01.2019/3P/6C