



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7122 of 2020

Moorthy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Surandai Police Station,
Tirunelveli District.
Crime No.285 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

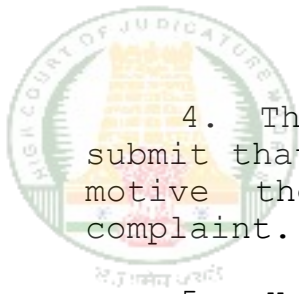
For Anticipatory Bail in Cr.No. 285 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 482, 483, 486, 420 of IPC of I.P.C. and Section 78 of Trade & Merchandise Marks Act, 1957 in Crime No. 285 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has used the defacto complainant's company brand namely "No.10 Beedi" and selling the petitioner's beedi products. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to business motive the defacto complainant has lodged the present false complaint. Hence, he seeks anticipatory bail.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Today, the petitioner has filed an undertaking affidavit stating that his company brand name is "No.10 S.M Tamil Beedies" and the defacto complainant's company brand name is "No.10 Beedi". In that affidavit, the petitioner also undertakes that he will not use the defacto complainant's company brand name "No.10 Beedi" and label to sell his company beedi products.

6. Considering the facts of the case and also considering the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as on 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]; and;



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/07/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ALANGULAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7122 of 2020
Date : 20/07/2020

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TK/PN/SAR.2/22.07.2020/3P/5C