



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7180 of 2020

Ashwin Bafna

... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai,
Putukkottai District.
Cr.No. 16 of 2020.

... Respondent/Complainant

Jafar Ali

... Intervener/Defacto Complainant
in CrI.MP(MD)No.3615/2020
in CRL OP(MD). No.7180 of 2020

For Petitioner : Mr.A.Thiruvadi Kumar, Advocate.

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

For Intervener : Mr.N.Bala Krishnan, Advocate

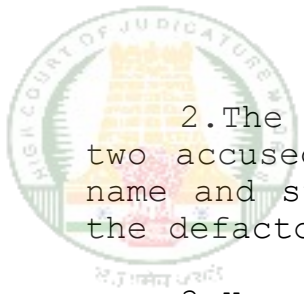
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No. 16 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 120-B, 406, 420, 483 and 273 of IPC r/w Section 103 and 104 of Trade Mark Act, 1999, in Crime No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner and other two accused have manufactured and supplied fake betel nuts in the name and style of "Nijam Pakku", which is registered Trade Mark of the defacto complainant. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent and also the learned counsel appearing for the intervener/defacto complainant.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the co-accused namely A1 and A2 have been arrested and remanded to judicial custody and thereafter they have been released on bail by the learned Judicial Magistrate No.II, Pudukkottai, in Cr.M.P.No.413 of 2020, dated 08.07.2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned counsel appearing for the intervener/defacto complainant submitted that the defacto complainant is reputed firm in his locality, selling betel nuts in the name and style of "Nijam Pakku". The petitioner sold the fake betel nuts manufactured by the petitioner and other accused in the name and style of "Nijam Pakku". As the said product caused health hazard to the customers of the defacto complainant, he opposed this application.

6.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that A1 and A2 were already arrested and remanded to judicial custody and thereafter they have been released on bail by the learned Judicial Magistrate No.II, Pudukkottai, in Cr.M.P.No.413 of 2020, dated 08.07.2020.

7.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall file an undertaking affidavit before the respondent police that the petitioner will not manufacture and sell the betel nuts in the name and style of "Nijam Pakku".

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukkottai, 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 appear before the respondent police daily at 10.30 a.m, until further orders.

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/07/2020

/ TRUE COPY /

/ /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 No.II, PUDUKKOTTAI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.7180 of 2020
Date :16/07/2020

VSG

TE/PN/SAR-II : 21/07/2020 : 3P/5C

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