



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

Dated : 12/08/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL.O.P.(MD).No.8014 of 2020

Muruganantham @ Murugan : Petitioner/Accused No.1

Vs.

State Rep. by  
The Inspector of Police,  
Kadayanallur Police Station,  
Erstwhile Tirunelveli District,  
Tenkasi District.  
Crime No.328 of 2020.

: Respondent/Complainant

For Petitioner : Mr.T.Indrachithu,  
Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 OF THE CODE OF  
CRIMINAL PROCEDURE.

PRAYER :-

For Anticipatory Bail in Crime No.328 of 2020 on the file of  
the respondent police.

**ORDER :** The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the  
respondent police in connection with a case registered in Crime  
No.328 of 2020 for the offences punishable under Sections 420, 482,  
483, 486 and 488 of the Indian Penal Code r/w Sections 103(a) and  
104 of the Trade Marks Act, 1999, seeks anticipatory bail.

2. Heard both sides.

3. The *defacto* complainant is the Manager of one Malabar  
Beedi Company, which is a registered trade mark. The allegation is  
that while the *defacto* complainant and other persons were near KPN  
Travels, to find out the ground reality of their business, they  
found labours loading beedi bundles with the label of Malabar Beedi,  
which has been booked by the petitioner and other accused to



transport to some other retailer. Alleging misuse of the said trade mark, the present complaint has been lodged.

4. The learned counsel for the petitioner would submit that the petitioner has not affixed any label and has not misused the trade mark, as alleged by the prosecution. Further, the petitioner also filed an affidavit of undertaking to the effect that he would not involve in manufacturing any beedi in the name of 'Malabar Beedi'. A copy of the undertaking affidavit is also produced before this Court for perusal.

5. Heard the learned Government Advocate (Criminal side) appearing for the respondent also.

6. Considering the facts and circumstances of the case and also taking into account the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 Judicial Magistrate Court, Tenkasi, Tenkasi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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]*; and



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

sd/-  
12/08/2020

WEB COPY

/ TRUE COPY /

/08/2020

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,  
TENKASI.
2. THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KADAYANALLUR POLICE STATION,  
ERSTWHILE TIRUNELVELI DISTRICT,  
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.8014 of 2020  
Date :12/08/2020

SML  
TK/PN/SAR.2/14.08.2020/3P/5C