

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4416 of 2021

M.SENTHIL KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.111 OF 2021.

For Petitioner : M/S.M.JAYAVEERAPANDIYAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 I.P.C. and 63 - A Copy Right Act in Cr.No.111 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 are dealers of Asian Paints and they are alleged to have collected fake products from A3 and sold in the market by manipulating Asian Paints logo. The petitioner is arrayed as the third accused in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submitted that initially the petitioner was not arrayed as accused and only based on the confession of A2, the petitioner was arrayed as accused. He would further submit that the co-accused has already been enlarged on bail.

4.The learned counsel appearing for the intervenor submitted that though initially the petitioner was not arrayed as accused, it does not mean that the petitioner was not involved in the crime and would further submit that the confession of the main accused would clearly depict the involvement of the petitioner in the crime. He

would further submit that the accused were selling fake products in the market for the past ten years and hence, there is huge loss to the Company and vehemently opposed for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor submitted that investigation is pending.

6.Considering the fact that that the co-accused has already been enlarged on bail, this Court is 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, Gingee, Villupuram 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 respondent police or 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 Court concerned 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 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 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]**; and;

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

-sd/-

16/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

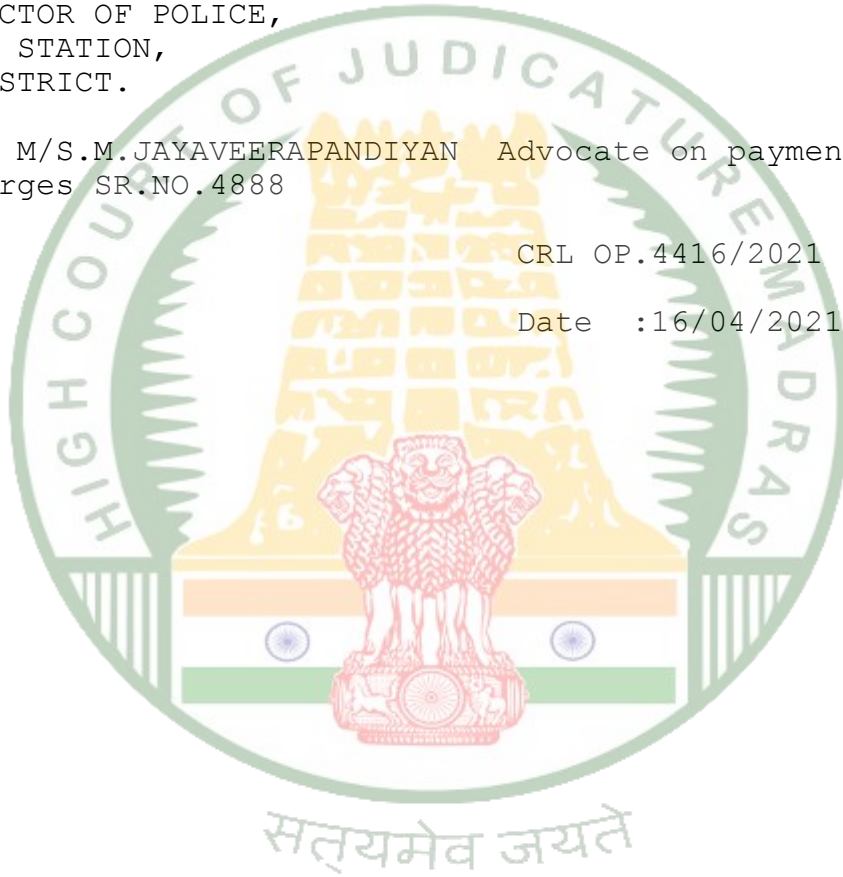
4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.M.JAYAVEERAPANDIYAN Advocate on payment of
necessary charges SR.NO.4888

CRL OP.4416/2021

Date :16/04/2021

TA-19/04/2021



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