

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19793 of 2020

T.Vasnaram

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
C-1 Flower Bazaar,
Subsequently transfer to
The Inspector of Police,
C.C.B., Chennai.
(Crime No.791 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.791 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.Arumugam

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as 3rd accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 51 and 63(b) of Copy Right Act, 1957 r/w Sec.506(ii) of I.P.C. and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioner is selling a duplicate electric cable in the name and style of "Orbit cable". Hence, based on the complaint, the F.I.R. has been registered against the petitioner. Now, it is stated, that the arrested co-accused was already released on bail and also the similarly placed another shop-owner, A3, was granted bail by this court.

3. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

4. Taking into consideration of the fact that the petitioner is only a shop-owner selling electric cable, and he is not a manufacturer of duplicate electric cable, and the arrested co-accused was already granted bail by this Court, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 Chief Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/01/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE.

2 THE INSPECTOR OF POLICE,
CCB, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
C-1, FLOWER BAZAAR, CHENNAI.

CC to M/S.M.ARUMUGAM Advocate on payment of necessary charges

CRL OP.19793/2020

Date :08/01/2021

MN-25/01/2021