



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19760 of 2021

MYDEEN SHEIK ABDUL KHADER

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM CITY.
CRIME NO.569/2021

[RESPONDENT]

For Petitioner : M/S.S.PARTHASARATHY Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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 Sections 486, 420 of I.P.C. and Sections 51(b)(i) and 63(a) of Copy Right Act in Cr.No.569 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the complaint was lodged by GULF Oil Lubricants India Limited alleging that the petitioner is selling loose oil purchased in tankers and filling them in GULF barrels and cheating the innocent buyers by using their trademark.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner will not use the name of gulf oil or empty barrels of the gulf oil and that the petitioner will not violate the Copy Right Act. To that effect, the learned counsel filed the affidavit of the



petitioner dated 26.10.2021. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.25,000/- to the Chief Educational Officer, Salem District, for improvement of Government Schools.

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4.The learned Government Advocate submitted that investigation is pending.

5.Considering the affidavit of the petitioner dated 26.10.2021, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 No.2, Salem, 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 shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Chief Educational Officer, Salem District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioner;

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(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 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;

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

7. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/ rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

27/10/2021

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 JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM CITY.

5 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

+1 CC to M/S.S.PARTHASARATHY Advocate on payment of necessary charges SR.NO.11926

CRL OP.19760/2021

Date :27/10/2021

RW 29/10/2021