



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15783 of 2021

Jana @ Janagan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.382 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.THALAIMUTHARASU,
Advocate.
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.382 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 16.09.2021, for the offence punishable under Sections 406 and 420 I.P.C., in Crime No.382 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is running a paper cup company in the name and style of Sri Ponn Polymers at No.1337/A, Sattur Road, Sivakasi East for the past 10 years. The defaco complainant obtained license vide No.CPCBL.No.b-170011/7/PWM/COMP/2020(ITC) to purchase materials from the Pandian Meena Paper Company, Ernakulam and produce the best plastic material coated paper cup which can be used as fertilizer and easy to decompose as eco-friendly. The defacto complainant came to know that the accused nos. 1 and 2, without getting any prior permission or approval from the defacto complainant, have started printing by using the license number of the defacto complainant on the Aavin Milk Company paper cups material and the same was banned by the Tamil Nadu Government, as it is an non-decomposable and harmful to the environment. On enquiry, it revealed that they received work orders from A3, who is the proprietor of MRK Laminator and A3 revealed that he got work order from A4, who is the proprietor of SGR Enterprises. Thus, all the accused persons have manufactured and utilized the paper cups with the banned plastic material and fraudulently printing the license number of the defacto complainant



and distributed the same to the customers and thereby caused loss to the defacto complainant to the tune of Rs.25 lakhs. Hence, the complaint.

3.The learned counsel for the petitioner submits that the alleged license number ie., No.CPCBL.No.b-170011/7/PWM/COMP/2020 (ITC) is not at all issued to the defacto complainant and the same was issued in favour of M/s. ITC Omega BEV and it never authorized the defacto complainant to do the work on its behalf. Whereas one Pandian Meena Paper Company authorized the defacto complainant to resell ITC Omega BEV, which is PLA coated paper cup. Therefore, the defacto complainant has no locus standi to give such a complaint against the petitioner. The respondent police has not conducted the investigation properly and simply registered the as case against the petitioner. In order to damage the name and fame of the petitioner, this false complaint was lodged by the defacto complainant. The petitioner is an innocent and he has not committed any such offence. The petitioner is in judicial custody from 16.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed. He would further submit that the accused persons have fraudulently used the license number of the defacto complainant and manufactured the fake paper cups, which are similar to the bio-cup produced by the defacto complainant and thereby cheated the customers of the defacto complainant. He has produced the apology letter given by the fourth accused that without knowing the consequences, he had committed the offence.

5.Considering the facts and circumstances of the case, the nature of offence levelled as against the petitioner, the apology letter given by the fourth accused and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6.Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing 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 learned Judicial Magistrate No.II, Sivakasi and on further conditions that:

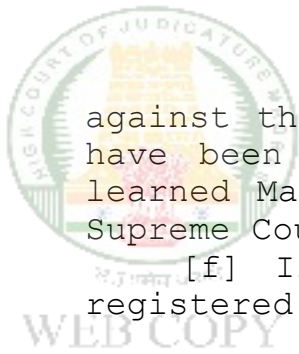
[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[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 the 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 may take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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]**.

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

sd/-
22/10/2021

/ TRUE COPY /

/ /2021
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,
SIVAKASI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
 - 4 THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.THALAIMUTHARASU Advocate. SR.No.7312.

**ORDER
IN**

CRL OP(MD) No.15783 of 2021
Date :22/10/2021

SA/VR/SAR.3/22.10.2021/3P/7C