



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.728 of 2022

1.Isakimuthu
2.Marimuthu

... Petitioners

Vs.

The State rep. by Inspector of Police,
Udumalpet Police Station,
Tiruppur district.
Crime No. 1451 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners/accused on bail in Crime No. 1451 of 2021 on the file of the respondent police.

For petitioners : M/s.D.R.Arun Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate
(Crl. Side)

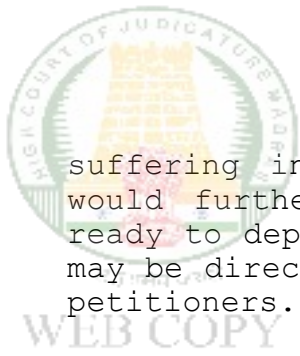
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 420 IPC and Section 51 and 65(b) of the Copyright Act, 1957, in Crime No.1451 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had misused the trade mark of the defacto complainant in the name and style of No.10. A.S. Photo Beedi and selling the same with higher profits to the public. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and all the products have seized by the respondent police. He would further submit that the petitioners have been



suffering incarceration for more than 25 days from 13.12.2021. He would further submit that the petitioners on their own volition ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioners have printed the fake 10 AS photo beedies of the de facto complainant business and they have cheated for a sum of Rs.2,42,812/- to the Government in paying tax but admits that the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand Only), to the credit of the Registered Advocate Clerks Association, Udumalpet, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on his release;

(b) the petitioners shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Registered Advocate Clerks Association, Udumalpet, without prejudice to his defence before the trial Court and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Udumalpet, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Tuesday at 10.30 a.m, until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

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

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

-sd/-
12/01/2022

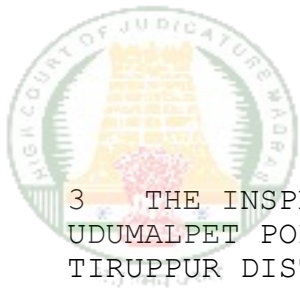
This order, on being produced, be punctually observed and carried
into execution by all concerned
TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE-I,
UDUMALPET, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
UDUMALPET, TIRUPPUR DISTRICT.

+1CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary
charges SR.No.659

CRL OP.728/2022

Date :12/01/2022

CSK 19/01/2022