



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8830 of 2022

AJAY SHARMA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
ASSISTANT COMMISSIONER OF POLICE,
CCB-1, VIDE PIRACY CELL,
CHETPET POLICE STATION,
CHENNAI.
CR.NO. 65 OF 2022.

[RESPONDENT]

For Petitioner : M/S. G.RAMESHGANAPATHY Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (CrI. Side)

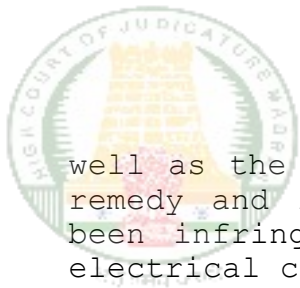
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 103(a), 103(b), 104 of Trade Marks Act - 1999, and under Section 63(a) of Copy Right Act 1957 in Crime No.65 of 2022 on the file of the respondent police seeks anticipatory bail.

2.Based on the complaint given by the representative of Finolex Cables India Pvt Limited, the respondent police searched at OTC Transport Varadha Muthaiappan Street, Kothavalchavadi, Chennai and found that the electrical cable and coil worth about Rs.22,00,000/- was seized. Since, it was spurious products carrying trade mark of Finolex. From the investigation, it was found that the goods was transported from Delhi to Chennai through OTC Transport by one Ajay Sharma of Delhi apprehending arrest by the respondent police, the said Ajay Sharma is before this Court.

3.It is contended by the petitioner that in FIR the name of the petitioner has not mentioned and for the act of infringement of trade mark and copy right Act provides for civil remedy and the petitioners could not be prosecuted. Further, the learned Government Advocate (CrI side) submits that both under the trade mark Act as



well as the copy right, penal provision is provided apart from civil remedy and in this case, the trade mark and reputed brand Finolex been infringed by the petitioner herein for substandard quality of electrical cable and coils.

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4. The learned Government Advocate (Crl.Side) states that the petitioner herein was manufactured substandard products and sold in the name of Finolex causing danger to the life of the consumer and the petitioner who is carrying on business at Delhi is granted anticipatory bail, there is every possibility of absconding and non co-operation and infact would submit that Chapter 13 of Copy Right Act describes the offence of infringement of copy right aand penalty for such infringement. The said section 63 of the Copy Right Act provides for infringement with imprisonment for a term which shall not less than six months for a term which shall not be less than six months but to extend three years and with fine which shall not be less than Rs.50,000/- but which may extend to Rs.2,00,000/- and for repeated offenders to enhance penalty under Section 63A of Act similarly under the trade mark also penal provisions are prescribed.

5. In the light of the above, this Court finds that the product which has been spuriously manufactured and sold in the name of Finolex, there is every possibility of endangering the life of the users. Therefore, the petitioner has to be secured and found out the manufacture of the said substandard spurious product and the stretch of distribution of such spurious products. Therefore, grant of anticipatory bail will not be conducive for investigation. Hence, this petition for anticipatory bail is dismissed.

-sd/-

19/04/2022

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

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

TO

1 ASSISTANT COMMISSIONER OF POLICE,
CCB-1, VIDE PIRACY CELL,
CHETPET POLICE STATION,
CHENNAI.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. G.RAMESHGANAPATHY Advocate on payment of necessary
charges Sr.5840

CRL OP.8830/2022

Date :19/04/2022

RVR 28/04/2022