



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12148 of 2022

LINGARAJ @ LINGAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.
CRIME NO.301/2022

[RESPONDENT]

For Petitioner : M/S J.KINGSLY SOLOMON Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor
[DATED:19/05/2022]

: M/S.V.J.PRIYADARSANA, Govt.Advocate (Crl. Side)
[CRL.MP.NO.7131/2022 IN CRL.OP.NO.12148/2022,
DATED: 09/06/2022]

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 offences punishable under Sections 63(a), 51(a), 51(b) of Copyrights Act, 1957 in Crime No.301 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a retailer cum distributor of the "DS MookuPodi", which is a snuff powder in Coimbatore, Ooty and Palladam areas. It is alleged that the defacto complainant found that the petitioner is running the production and sale of snuff powder as in the master copy of "DS Mookupodi". Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an old aged and innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is running production and sale of snuff powder in the copy name of "DS MookuPodi". It is also stated that the defacto complainant has filed a suit in C.S.No.305 of 2020 before this Court and it is pending. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned **(*)Judicial Magistrate, Palladam**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] 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.

[c] the petitioner shall not tamper with 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/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].



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

WEB COPY

-sd/-

19/05/2022

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.

(*)Amended and Time is extended till 20.06.2022 to the petitioner to comply with the conditions imposed in the order dated 19.05.2022 from the date on which this order copy made ready as per order of this Court dated made in CRL.MP.NO.7131 of 2022 in CRL.OP.NO.12148 of 2022.

TO

(*)1 THE JUDICIAL MAGISTRATE,
PALLADAM.

2 THE JUDICIAL MAGISTRATE,
TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.NO. 8751

CRL OP.12148/2022

Date :19/05/2022

RW-25/05/2022

CSK 17/06/2022