



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13254 of 2022

AJAY SHARMA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
PS VIDEO PIRACY CELL-CCB,
CHETPET POLICE STATION,
II nd FLOOR, CHENNAI-29.
(CR.NO. 65 OF 2022)

[RESPONDENT]

For Petitioner : M/S. S.HARINYI Advocate

For Respondent : MR.S.UDAYAKUMAR, 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 for the alleged offence under Sections 103(a), 103(b), 104 of Trade Marks Act 1999 read with 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.This is the second anticipatory bail petition filed by the petitioner whose name not found in the F.I.R. The complaint registered in Crime No.65/2022 by the respondent police pertains to infringement of trademark and copyright, sale of spurious electrical products in the name of FINOLEX. Earlier, this Court dismissed the anticipatory bail petition of the petitioner on the ground that the inferior product sold in the name of reputed brand are electronic goods which may endanger the life of the users of the substandard product and therefore, the petitioner, the booking agent at Delhi, who has transported the spurious goods at Chennai, has to be secured and to find out the manufacturer of the substandard goods and the person, who distributed goods from Delhi.



3. Though this order was passed on 19.04.2022, it appears that the respondent police has not made any attempt to secure the petitioner or to proceed with the investigation to find out the manufacturer of substandard goods. In the said circumstances, to enable the respondent police to pursue the investigation, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

4. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned III Metropolitan Magistrate, George Town, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 conditions that:

(a) the petitioner and the sureties shall affix his 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;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required and cooperate with the investigation;

(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 has 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;



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

WEB COPY

-sd/-

14/06/2022

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 III METROPOLITAN MAGISTRATE,
GEORGE TOWN.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
PS VIDEO PIRACY CELL-CCB,
CHETPET POLICE STATION,
II nd FLOOR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.HARINYI Advocate on payment of necessary charges
SR.No.9008

CRL OP.13254/2022

Date :14/06/2022

CSK 21/06/2022