



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4189 of 2022

Thangadurai

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
(Crime No.21 of 2022).

... Respondent/ Complainant

For Petitioner : Mr.G.Mariappan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

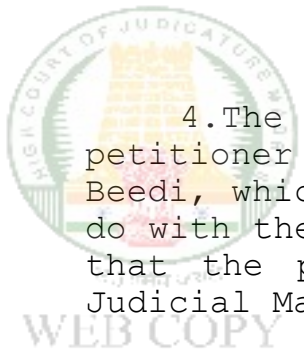
For Bail in Crime No.21 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 03.02.2022 for the offences punishable under Sections 465, 468 and 471 IPC and Sections 103(b) and 104 of Trade Marks Act, 1999, in Crime No.21 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner sold the Beedi by using the bogus label of the defacto complainant's Ganesh Beedi Company. Hence the complaint.

3.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner's wife stating that his husband will not sell any such goods with infringed Trade Mark.



4.The learned counsel for the petitioner would submit that the petitioner is only the petty shop owner and he has been selling the Beedi, which are, supplied by the dealers and that he has nothing to do with the manufacturing of the said Beedi. He would further submit that the petitioner will file an affidavit before the concerned Judicial Magistrate at the time of furnishing the sureties.

5.The learned Additional Public Prosecutor would submit that the Beedi bundle worth about Rs.1,000/- was recovered from the petitioner petty shop and they came to know that the petitioner is manufacturing the Beedi by using the Trade Mark of the defacto complainant.

6.Considering the nature of the charges levelled against the petitioner and also the facts that the property has been recovered, that the petitioner is in judicial custody from 03.02.2022 and taking note of the undertaking affidavit filed by the petitioner's wife, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered 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.I, Virudhunagar.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(iii)the petitioner shall file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate with necessary application. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]***.



(vii) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/03/2022

/ TRUE COPY /

WEB COPY

07/03/2022

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.I,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-1745[I] dated 07/03/2022)

ORDER
IN
CRL OP(MD) No.4189 of 2022
Date :07/03/2022

CSM
MK/PN/SAR.III/07.03.2022/3P/7C