



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20579 of 2022

Sagabdeen @ A.S.Shahabb, ... Petitioner/Accused No.3
Vs

State Rep.by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Cr No.264/2022).

... Respondent/Complainant

Pradhish ...Intervene Petitioner/Defacto Complainant
in CRL MP(MD)No. 14613 OF 2022

For Petitioner : M/s.Manimaran K R, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Sivaprakash, Advocate
in CRL MP(MD)No. 14613 OF 2022

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

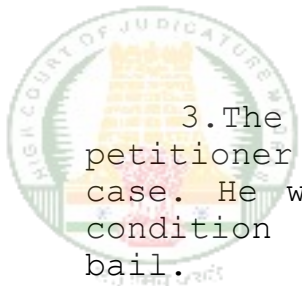
PRAYER :-

For Anticipatory Bail in Cr No.264/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 420,
482, 483 and 486 of IPC and Sections 103(a) and 104 of Trade Marks
Act, 1999 in Crime No.264 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto
complainant is a Manager of M/s.Raja Plast Company. The allegation
against the petitioner is that the petitioner and other accused were
using the fake labels of the de-facto complainant company and
manufactured fake beedies. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are three accused involved in this case and the petitioner is arrayed as A3. The petitioner and other accused were using the fake labels of the de-facto complainant company and manufactured fake beedies worth about Rs.13,500/-. The petitioner is having no previous case and seven witnesses were examined in this case and the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the nature of the offence and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court, Periyakulam.

8.On production of such receipt, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Periyakulam, 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 learned Magistrate concerned and on further conditions 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 am until further orders.

(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]**; and;

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

sd/-
30/11/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE CHIEF COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-14011[I] dated 30/11/2022)

ORDER
IN
CRL OP(MD) No.20579 of 2022
Date :30/11/2022

sjj

<https://www.mca.gov.in/portal/portal.do?module=PUBLIC-4/12.12.2022/3P/6C>