



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21450 of 2022

Katturajan

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Guru.K.N,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

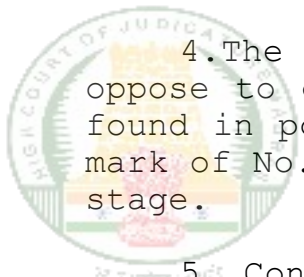
For Bail in Crime No.264 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 15.11.2022 for the offence punishable under Sections 420, 482, 483, 486 of IPC and 103 (a) and 106 of Trade Marks Act, 1999, in Crime No.264 of 2022, seeks bail.

2. The case of the prosecution is that on 15.11.2022, at about 09.00 p.m., the petitioner was found in possession of 160 beedi bundles contains counterfeit trade mark of No.10 AS Photo Beedi in the Car bearing Reg. No.TN-06-B-7930, which was supplied by A2 and his brother A3. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 15.11.2022. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would not oppose to enlarge the petitioner on bail on the ground that he was found in possession of 160 beedi bundles contains counterfeit trade mark of No.10 AS Photo Beedi and the investigation is in preliminary stage.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 Judicial Magistrate, Periyakulam, Theni District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 2 weeks and thereafter, every Saturday at 10.30 a.m, until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

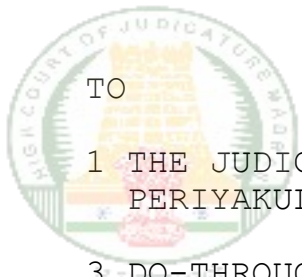
sd/-

05/12/2022

/ TRUE COPY /

05/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE
PERIYAKULAM THENI DISTRICT.

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION, THENI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.21450 of 2022
Date :05/12/2022

dss

MK/USS/SAR IV/05.12.2022/3P/6C