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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

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

CRL OP(MD) . No.21895 of 2022

M.Krishnan

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.850/2022).

... Respondent/Complainant

For Petitioner : M/s Sivakumar.M, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.850/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 63(a) of Copy Right Act, 1957 in Crime No.850 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has arranged Mehendi Ceremony at Court Yard by Marriott Hotel, Madurai on 03.02.2020 for his daughter and that at that time, he has engaged a music concert for recreation. It is alleged that the Disc Jockey (DJ) has played a song which was in the Copy right of Novex Communication Private Ltd., and thereby, the petitioner herein is arrayed as accused in this case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further contended that other than making arrangements for daughter's marriage function he has not committed any offence as alleged by the prosecution. He had engaged the services of Disc Jockey only based on the suggestion given by the Marriott Hotel and further the function was conducted in the year 2020, but the complaint has been registered in the year 2022 after a period of two years and hence, seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had engaged one Disc Jockey for his daughter's marriage function and he had played the songs without getting permission as per the Copy Right Act.

5. Taking into consideration the facts 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 No.II, Madurai 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 appear before the respondent police 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.

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Sd/-
12/12/2022

/12/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S SIVAKUMAR.M Advocate SR.No.61441

ORDER
IN
CRL OP(MD) No.21895 of 2022
Date :12/12/2022

SP/SSS/SAR IV/21/12/2022/3P/6C