



Crl.O.P.No.793 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 102(1)(a), 103(a), 104 Trade Marks Act, 1999 read with Section 420 of IPC, 1860 in Crime No.8 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with 13 other accused persons has infringed their company Trade Mark and supplied duplicate Asafoetida and aggrieved by the same, the defacto complainant has lodged the present complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further stated that the co-accused has been released on bail by this Court in Crl.OP.No.14069 of 2022. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner along with 13 other accused persons has supplied duplicate Asafoetida by using defacto complainant's Trade Mark. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused was granted anticipatory bail, 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 **CCB & CBCID Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties and one surety must be a blood surety, 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



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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, on every Tuesday and Sunday at 10.30 a.m., 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

T.V.THAMILSELVI, J.

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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;

27.01.2023

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