



Crl.OP.No.9629 of 2023

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K.KUMARESH BABU, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 482, 483 of IPC and Section 63(a) of Copy Right Act, 1957 in Crime No.96 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant had started a business in the name of Ramraj Cotton, for which they obtained a trademark and copyright of their logo. The petitioners are running a textiles in the name of Ravi Raj textiles and it was found that the petitioners are duplicating the trademark and logo of the *de facto* complainant to sell their products by violating the law. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Further, he would submit that the petitioners had not committed any offence as alleged by the *de facto* complainant. Therefore, he prays

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for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal side) would submit that the petitioners had violated the law by illegally using the trademark and logo of the *de facto* complainant. He would further submit that the petitioners had already filed a petition in Crl.O.P.No.6238 of 2021 to quash the said FIR and the same was dismissed by this Court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the allegation is with regard to violation of Copyrights Act and since this complaint was made as early as in the year 2021, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned



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Judicial Magistrate No.II, Sankari on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

18.05.2023

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