



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/06/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

WEB COPY

CRL OP(MD) . No.9337 of 2023

1. KM.Durai,

2. KV.Azhagarsamy,

3. N.Ramasamy,

4. K.Sakthivel,

5. P.Arumugam,

... Petitioners/Accused 1 to 5

Vs

The State rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.216 of 2023.

... Respondent/Complainant

For Petitioner : M/s.ANANDKUMAR J,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.216 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 483 and 486 of I.P.C, Sections 51 and 63(a) of Copy Right Act and Sections 103(a) and 104 of Trade Marks Act, in Crime No.216 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the owner of the trade mark of "Manchuondanawaab" and doing rice business in the name and style of "Sree MK Nawaab" in the market. The petitioners herein being in the same business and infringed by falsification of the trademark of the de-facto complainant and caused huge adverse impact to the goodwill to the de-facto



complainant. The further allegation is that the petitioner is selling the falsified product in the market. Hence, the case.

3. Heard. Perused the materials available on record including the First Information Report.

4. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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 Judicial Magistrate, Manapparai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/06/2023

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/06/2023

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



SJI
TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.ANANDKUMAR J Advocate SR.No.7971

**ORDER
IN**

CRL OP(MD) No.9337 of 2023
Date :02/06/2023

SA/SSS/SAR. /06.06.2023/3P/6C