



Crl.O.P.No.27642 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 51(b)(I) and 63(a) of Copy Rights Act, 1957, in Crime No.13 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.09.2024 at about 11.00 a.m., the petitioner and his shop owner was selling duplicate Ariel Washing Powder, Tide Washing Powder and Chakra Gold Tea Powder at their provisional store and on verification, it came to know that the products are duplicates. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the 1st accused is the owner of the shop and the petitioner who had come from North India to visit his brother was also arrested. He would further submit that the 1st accused was already arrested and released on bail. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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5.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused are alleged to have prepared duplicate detergent powders and tea powders in the names of leading brands, namely Ariel and Tide and Chakra Gold Tea in his provisional store and selling the same to the customers. He would further submit that the petitioner is the younger brother of the 1st accused. He would further submit that the 1st accused was arrested and released on bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and that A1 was already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] 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 **Judicial Magistrate Court No.II, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties



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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:

[b] the petitioner shall report before the respondent police daily 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 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 269 BNS.

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