



CRL OP(MD). No.18792 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Shanthi,
2. Shanmugaraja

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
(Crime No.97 of 2021)

... Respondent/Respondent

R.Balakrishnan

... Petitioner/Intervener

In CRL MP(MD).11773/2024 in CRL OP(MD).18792/2024

For Petitioners : M/s.R.Prem Raja Kumari, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For Intervener : Mr.G.Thiurvarutselvan, Advocate
for M/s.Jury Brain Law Offices

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioners on bail in the event of their arrest pending trial in C.C No. 405 of 2024 on the file of the Judicial Magistrate II, Kumbakonam in Crime No. 97/2021 on the file of the respondent police

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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The petitioners/accused Nos.1 and 2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 102(1)(a), 103(a), 104, 107 of Trade Marks Act and Section 482 of I.P.C., in Crime No.97 of 2021 on the file of the respondent Police, which was taken on file in C.C.No.405 of 2024 on the file of the learned Judicial Magistrate No.II, Kumbakonam, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are manufacturing rolling shutters and steel fabrication and doing job works in the name of "Sri Kali". The defacto complainant has a registered trade mark. Under such circumstances, the defacto complainant gave a complaint to the Police and allegation is that the accused persons are using the trademark of the defacto complainant for the very business purposes.

3. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent Police and the learned counsel appearing for the intervener.

4. Taking into consideration the facts and circumstances of the case and the nature of the allegations made against the petitioners and custodial interrogation may not be required in this case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in



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the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kumbakonam, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[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 petitioner 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]; and;



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[f] if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
11/11/2024

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/11/2024

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

TSG

TO

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

+1 CC to M/s.R.PREM RAJA KUMARI, Advocate (SR-13854[I] dated 12/11/2024)

ORDER IN
CRL OP(MD) No.18792 of 2024
Date :11/11/2024

RS//SAR-(25.11.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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