



WEB COPY



Crl.O.P.Nos.939 & 943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 939 & 943 of 2025

D. Kamalaish

... Petitioner in
Crl.O.P.No.939/2025

1. S. Sakthivel
2. A. Vasantharaja
3. R. Manikandan

...Petitioners in
Crl.O.P.No.943/2025

Vs.

State represented by:
The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.
(Crime No. 426 of 2024)

... Respondent in
both Crl.O.Ps

PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in connection
with Crime No.426 of 2024 on the file of the respondent Police.

For Petitioner (s)
in both Crl.O.Ps

: Mr.Mohammed Fazululla

For Respondent
in both Crl.O.Ps

: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



Crl.O.P.Nos.939 & 943 of 2025

COMMON ORDER

WEB COPY

Petitions seeking bail in respect of Crime No. 426 of 2024 registered for the offences punishable under Sections 318(2), 318(4) of BNS, 2023, Sections 103, 104 of the Trade & Merchandise Mark Act, 1958, Sections 51, 65 of Copy Right Act, 1957 and Sections 66(C) & 66(D) of the Information Technology (Amendment) Act, 2008 is on board for consideration.

2.The incarceration of the petitioners being from 15.12.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioner in Crl.OP.No.939 of 2024 submits that the petitioner was given authorisation to manufacture the soap by the Company, concerned and later in order to avoid GST, a false complaint has been given against him, as if he had manufactured counterfeit soap bars. He further submits that the petitioner has not compromised the quality of the soap bars, and however, without prejudice to the defence and contention, he is ready and willing to deposit a sum of Rs.**25,000/-** to any welfare scheme of the Government or any other organization. In respect of petitioners in Crl.OP.No.943 of 2025 are concerned, the learned counsel for the petitioners submits that they are employees of the main accused and other than working in the factory, they are not aware as to whether the main accused had



Crl.O.P.Nos.939 & 943 of 2025

obtained license for manufacturing the products or not. He also submits that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners are said to have manufactured counterfeit soap bars branded as “Arasan Soap” and sold these fake soap bars at lower price in the surrounding areas and also to various customers of one M/s. Prabhu Soap Works Private Limited, the de facto complainant. He further submits that there are no previous cases against the petitioners.

4.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner in Crl.OP.No.939 of 2024 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the **"MANASU, CSB Bank, Pallavaram Branch, A/C.No.024404406764190001 IFSC : CSBK0000244."** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

5.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration



Crl.O.P.Nos.939 & 943 of 2025

undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Coimbatore and on further conditions that:

[a] 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, everyday at 06.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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***



Crl.O.P.Nos.939 & 943 of 2025

WEB COPY

[(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

20.01.2025

sai

To

1. The Judicial Magistrate No.1,
Coimbatore.
2. The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.939 & 943 of 2025

A.D.JAGADISH CHANDIRA, J.
sai

Crl.O.P.Nos.939 & 943 of 2025

20.01.2025