



CRL OP(MD). No.5610 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Harish Rawat @ Haris

2.C.Raja @ Rajan

... Petitioners/ Accused Nos.5 & 6

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

Crime No.197 of 2025

... Respondent/ Complainant

For Petitioners : Mr.A.Balaji

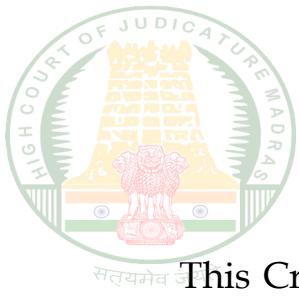
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.197 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 24.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.197 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the accused persons have illegally counterfeited the defacto complainant's company's brand and trademark 'REDPORT', manufactured crackers, including the crackers banned by the Government and sold the same to others. When on the defacto complainant's customer informed, it came to light. Hence, the case.

4. Mr.A.Balaji, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. However, to show their bonafide, the petitioners have filed an undertaking affidavit before this Court that they will not commit any act against the law. He further submits that the petitioners are ready to



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abide by any conditions to be imposed by this Court. Hence, he prays for grant of
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pre-arrest bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, on instructions, submits that the petitioners appeared before the respondent-Police and are co-operating with the investigation. He further submits that the custodial interrogation of the petitioners is not necessary for the investigation agency in this case.

6. Heard on both sides and perused the records.

7. In view of the submissions made by the learned Government Advocate (Crl. Side) that the petitioners are co-operating with the investigation and the affidavit filed by the petitioners undertaking that they will not commit any act against law, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and deep roots in the Society, and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant



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an order of pre-arrest bail to the petitioners subject to the following conditions:

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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Sivakasi, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-



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Police weekly twice i.e., on every Monday and Friday at 10.30 a.m. until further orders;

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(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
15/04/2025

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/05/2025

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

mbi



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TO
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- 1.THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.
- 2.THE CHIEF JUDICIAL MAGISTRATE.
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-4249[I] dated 16/04/2025)

ORDER
IN

CRL OP(MD) No.5610 of 2025
Date :15/04/2025

VN/13.05.2025 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023