

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.320 OF 2015
WITH
CRIMINAL APPLICATION NO.300 OF 2015**

Sunildhar Sheshadhar Sharma	... Applicant
Vs.	
The State of Maharashtra	... Respondent
And	
Sava Healthcare Ltd.	
through Hemant Sudhakar Bansod	... Intervener/ Complainant

Mr.M.S. Mohite for the Applicant
Mr.S.S. Pednekar APP, for Respondent – State
Mr.Harshad Nimbalkar i/b Sangramsingh Bhonsale for Complainant

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: MARCH 31, 2015

P.C.:

1. The application is moved for anticipatory bail as the applicant/accused is facing charges under sections 406, 420, 507 of the Indian Penal Code and under sections 43, 66, and 66D of the Information Technology Act, 2000 registered at C.R. No.279 of 2014 with the Airport police station, Pune. It is the case of the prosecution that he obtained a job in the company by name Sava Healthcare Ltd., wherein the complainant was working as a Vice President (HR). The said company was in the manufacturing and marketing of veterinary products and pharmaceuticals. The applicant/accused was appointed as a General Manager on 9.4.2013. At the time of the appointment, he accepted certain

terms and conditions of the company and he was in the company till 11.5.2014. However, he breached some important conditions of the company. He has already started a company of his own by name M/s. Corise Healthcare Pvt. Ltd. It was in existence since 4.7.2012. He had hidden that information from the company when he was in the job of the complainant company. He transferred very important information and confidential data of the company on his personal account and after resigning from the complainant company, he used that data for production and marketing of the some veterinary products and pharmaceuticals in the market and also sold the same to the Doctors and thereby caused wrongful loss to the company and wrongful gain to him. He has also committed offence in the criminal breach of trust which is non-bailable. The offence was registered on 20.11.2014. Thereafter, he was granted interim bail on 4.3.2015.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused has not committed any offence. His company Corise Healthcare Pvt. Ltd. was in existence from 2012, however, it was non-functional. The learned Counsel submitted that the applicant/accused did not misuse any information for his own company. It is submitted that the products which are marketed by his company Corise Healthcare Pvt. Ltd., are the same products which the manufacturer supply to the other companies, namely, Cipla and Pfizer, etc. The products are generic in

nature and there cannot be any such trade mark. He further submitted that the applicant is ready to cooperate and has been cooperating the police. Hence, his custodial interrogation is not required.

3. The learned Prosecutor while opposing the application, submitted that the applicant/accused has not given his email IDs and has not disclosed the information in respect of emails which he has sent in respect of the information of Sava Healthcare Ltd. The police want to interrogate the applicant/accused in respect of some products which were brought for the trade mark registration by his company as they are the same products of Sava Healthcare.

4. The learned Counsel for the intervener has submitted while opposing the application, that the applicant/accused has violated all the terms in the letter of appointment. He has misused the money and also the important data of the company for his own benefit. The loss caused to the company is yet to be calculated and for that purpose, his custody is required. It is submitted that the email ID is used by the applicant/accused to siphon off the information and he has committed breach of trust of the company when he was on duty.

5. Perused the papers of the investigation. On hearing the submissions of the learned Counsel for both the sides, it appears that the applicant/accused has used the information for his company which he got

when he was working. The applicant/accused is given interim bail by this Court on 4.3.2015. Considering the nature of the allegations, it appears that it is more or less of a business competition in the corporate sector and for which, in my view, custodial interrogation is not required.

6. In view of the above, the interim bail granted earlier is hereby confirmed. The applicant/accused is further directed to attend the police station on every Thursday between 4 pm to 6 pm till 30.4.2015. However, if it is not possible due to the illness of his father, as submitted by the learned Counsel, then he shall intimate the police and attend the next Thursday.

7. Anticipatory Bail Application is disposed of accordingly. In view of the disposal of the Anticipatory Bail Application, Intervention application also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)