

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1667 OF 2015

Hussain Shabir Kachwalla .. Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Debajyoti Talukdar for the applicant

Mr. S.S. Pednekar, APP for the respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 16th NOVEMBER, 2015.**

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant herein has filed the application for anticipatory bail apprehending his arrest in C.R.No. 398 of 2015 registered with Kondhwa Police Station, Pune for the offence punishable under Section 420 of the IPC and 67 C, and 66 D of the I.T. Act.

3. The learned Counsel for the applicant has stated that the laptop is already seized by the Police and the presence of the applicant is not required for interrogation. He has submitted that this is a fit case, where the police machinery has been used to convert the civil dispute into criminal case.

4. The learned APP submitted that the presence of the applicant is required for the purpose of interrogation.

5. I have perused the records and considered the submissions advanced by the respective parties. The records *prima facie* reveal that the applicant is an Engineer by profession and was employed with the appellant company and he had left the appellant company and started his own company in April, 2015. The complainant Yusuf Parkar, the ex-employer of the appellant company had lodged a complaint alleging that he had stolen the data of his company. The FIR reveals that the complainant had

seized the laptop from the applicant in the month of May, 2015. The said laptop is already forwarded for expert opinion. The presence of the applicant is not required for custodial interrogation. There is no possibility of the applicant fleeing from the course of justice. Considering these facts as well as the nature of the allegations levelled, in my considered view, this is a fit case for grant of bail.

6. Under the circumstances, the application is allowed on the following terms and conditions.

(i) In the event of the applicant arrest in C.R.No. 398 of 2015, the applicant shall be released on bail on furnishing bail bonds of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned J.M.F.C, Pune.

(ii) The applicant shall furnish his permanent as well as local address to the learned Magistrate and till filing of the charge-

sheet, the applicant shall not leave the jurisdiction of J.M.F.C. Pune without prior permission of the Magistrate.

(iii) The applicant shall report to the Investigating Officer for a period of 8 days from 10.00 a.m. to 1.00 p.m. from the date of the receipt of the order for the purpose of interrogation and investigation.

(ANUJA PRABHUDESSAI, J.)