

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1540 of 2015 ()

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CRIME NO. UNKNOWN OF POZHIYOOR POLICE STATION, NEYYATTINKARA,
THIRUVANANTHAPURAM.**

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PETITIONER/ACCUSED :

**FRANAL R.S., S/O. ROBINSON,
AGED 31 YEARS, R.S. NIVAS, VALIYAVILA,
VIRALI, UCHKADA P.O., TRIVANDRUM.**

BY ADV. SMT.VJAYAKUMARI.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.1540 of 2015 B

Dated this the 1st day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.132/2015 of Pozhiyoor police station, Thiruvananthapuram district registered for the offences punishable under Sections 406 of the I.P.C. and 66 (A) of the Information Technology Act.

3. The petitioner was working as the System operator at the institution named 'Bharat Traders' which belongs to the *defacto complainant*. Subsequently, his service was terminated. It is alleged that after his service was terminated, the petitioner, with intend to destroy the company, used to leak out the secrets of the company to strangers, as well as the Government authorities, and

also used to send e-mails fraudulently by incorporating the details of the company.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. Section 66(A) of the I.T. Act is found to be ultra vires to the Constitution by the Apex Court. I do not find necessary materials to invite an offence under section 406 of the I.P.C. in the matter. Considering the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each

for the like sum to the satisfaction of the officer conducting arrest,
and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 8.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge