



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty First day of August Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP (MD) No.15218 of 2015

N.SETHURAMAN

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
CYBER CRIME, CENTRAL CRIME BRANCH,
MADURAI CITY,
CRIME NO.85 OF 2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMESH Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

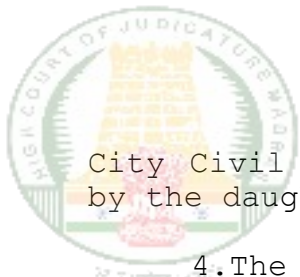
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 420, 120(B) and sections 65 and 66 of Information Technology Act, in Crime No.85 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, that he is working as Legal Adviser of Fathi Software Private Limited situated in Anna Nagar, Madurai and A1, who was functioning as Chairman of SMILE Limited entered into an agreement with him on 23.04.2010 agreeing to develop the software requirement for Fathi Software Private Limited and later, it was hacked by the accused without the knowledge of the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that this is a case of dispute between the father and the lovable daughter and the daughter, for pressurising her father to include her as one of the trustees filed a suit in O.S.No.224 of 2010 before the Principal District Judge, Madurai for bare injunction under section 92 of Civil Procedure Code and also filed an application for injunction claiming to be that she was already functioning as trustee of S.R.Trust and later, she filed another suit O.S.No.2432 of 2012 before the City Civil Court, Chennai with a fabricated document as if she was already inducted as a trustee in the said trust along with 13 persons and in the suit also, the de-facto complainant filed an application for temporary injunction and also obtained ex-parte order, which was challenged by the petitioner before this court in CRP No.5222 of 2011 and the matter had gone upto the Hon'ble Supreme court and it was remitted back to the trial court and the Hon'ble Supreme Court has already transferred the case to the



City Civil Court, Chennai and subsequently, all the applications filed by the daughter of this petitioner were dismissed.

4.The learned counsel further submitted that the alleged occurrence said to have taken place in the year 2010, but after loosing the battle in the civil forum, the present complaint was filed on 08.09.2013 and the case has been registered based on the direction given by the learned Judicial Magistrate No.1, Madurai, in CrI.M.P.No.4114 of 2013.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused have breached the contract entered into with the de-facto complainant and therefore, he is not entitled for anticipatory bail.

6.However, considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,MADURAI.
- 3 THE SUB INSPECTOR OF POLICE
CYBER CRIME, CENTRAL CRIME BRANCH, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.S.RAMESH Advocate SR.No.42437

ORDER
IN
CRL OP(MD) No.15218 of 2015
Date :21/08/2015