

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 205 OF 2018

Parwat Singh @ Pawan @ Aditya Bhagwati
Chauhan & Anr

..Applicants

Vs

The State of Maharashtra & Anr

..Respondent

Mr. N.P. Bhavsar for applicant.
Ms. Rutuja Ambekar, APP for State.
Mr. V.R. Ranadive for Original Complaint.

CORAM : A.S.GADKARI, J.

DATE : 26th June 2018.

P.C.:

1] By an Order dated 2nd February 2018 , the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates.

2] Heard learned Counsel for the applicant, the learned Counsel for the first informant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Sanjay Chaturvedi, one of the owners of newspaper namely @accommodation

Times© It is stated in the said report that, applicant No.1 herein was working as an accountant and applicant No.2 was working as Joint Editor in their establishment. That the applicants by taking undue advantage of their positions in the said establishment have committed theft of valuable data of the said Company. It is further alleged that, the applicants also committed theft of seal of the Company and by using it, manufactured salary slips and availed loan facilities from various Banks in their personal capacity. Since they did not pay the loan installments, the people from the concerned Banks are visiting his establishment for recovery of the loan amount. In the premise the first information report is lodged.

4] The learned Counsel for the Intervener opposed the present application and submitted that, the Company of the Intervener never issued any salary slips to its employees and the payments are being made by cheque only. Though it is stated by the first informant that he is having strong suspicion about stealing of seal of the company by the applicant No.1, as a matter of fact according to him the said seal is in the possession of the applicant No.2 and while leaving the services of the Company, she has stolen it for her own benefit. He submitted that the applicant No.2 was having access to the computers of the Company and was operating the said

computers and has committed theft of the contact numbers, personal data, email Id of various persons from the said computers for her own benefit which according to him is a criminal breach of trust. He therefore prayed that the present application may be rejected.

5] After perusing the record, prima facie it appears that, after the applicants left their jobs from the first informant Company, the first informant lodged a private complaint before the Metropolitan Magistrate, 71st Court, Bandra, Mumbai as the police at the first instance did not take cognizance of the grievance of the first informant. The learned Magistrate passed an Order under Section 156(3) of Cr. P.C and thereafter the present crime is registered.

6] After minutely perusal of the record of investigation and the first information report, prima facie it appears that except an offence as contemplated under the provisions of Information And Technology Act, it is difficult to hold that, the offences as contemplated under Indian Penal Code are applicable to the present crime. In view thereof, the applicants are entitled to be protected by pre-arrest bail.

7] In view of the above, interim relief granted by Order dated 2nd February 2018 is hereby confirmed. However, the condition to attend the

Investigating Officer is waived.

8] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)