

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.7231 of 2019

1 MOHAMED ARIF

2 SHABIN OMAR

... PETITIONERS / ACCUSED NO.1 TO 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
TRICHY CITY.
(CRIME NO.27/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners /accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 IPC and Sections 72 and 72A of the Information Technology Act, 2000, in Crime No.27 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.R.Alagumani, learned counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl. Side) appearing for the State.

3.The case of the prosecution is that the data of the defacto complainant's company has been stolen by these petitioners from October, 2017 to January, 2018 from his corporate office at Trichy. For this alleged incident, which is said to have taken place in the year 2018, this complaint was lodged on 11.05.2019.

4.According to the petitioner, the second petitioner had left the company two years back and the first petitioner has also left the company in the year July, 2018. Hence, he prays to grant anticipatory bail to these petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners had already left the company one year prior to the complainant, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready before the learned Judicial Magistrate No.2, Trichy, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the respondent Police and on further conditions that:-

[a] the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

16/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.2,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE,
CYBER CRIME CELL, TRICHY CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-8643[I] dated 17/05/2019)

ORDER
IN
CRL OP(MD) No.7231 of 2019
Date :16/05/2019

JM/PN/SAR 2/22.05.2019/3P/6C



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