

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.6881 of 2020

1. Sailumar
2. Mohana Rekha

... Petitioners

Vs.

State by
The Inspector of Police,
E-2, Royapettah Police Station
Royapettah,
Chennai
(Crime No.141 of 2018)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest, pending investigation in Crime No.141 of 2018, on the file of the Inspector of Police, E-2, Royapettah Police Station, Chennai

For Petitioners : Mr.M.Palanivel

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 409 and 120B of IPC in Crime No.141 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A1 and A2 who were the husband and wife. The allegation is that A1 was working in the defacto complainant's company. Subsequently, he resigned on 11.11.2017 from the company. It is alleged that after resigning from the company, the petitioners have impersonated as if they were working in the defacto complainant's company and using e-mail id to divert the customers information to the second petitioner's company. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the 1st petitioner was resigned in the year 2017 itself and the second petitioner also resigned on 25.04.2011 and even as per the FIR, A1 is only attempted to divert the information to the second petitioner's company and that there is no monetary loss caused to the defacto complainant's company. He would further submit that the petitioners are innocent and they have been falsely implicated in this case. Therefore, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor on instructions would submit that the first petitioner is the ex-employee of the defacto complainant's company. After resigning his job of A1, he impersonated as if he is working working in the said company by using the same email id trying for diverting funds to his wife's company.

5. Considering the facts and circumstances of the case and taking note of the fact that as per the allegation in respect of A1, it is only attempted to divert the information to his wife's company and that no monetary loss caused to the defacto complainant's company and the second petitioner is only wife of A1 and there is no allegation against her, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner 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 and insofar as the second petitioner is concerned being a lady, shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
ROYAPETTAH, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.PALANIVEL Advocate on payment of necessary charges
SR.No.269

WEB COPY

CRL OP.6881/2020

Date :07/01/2021

cs 19/01/2021