



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15320 of 2021

GOWSIGAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
COIMBATORE CITY.
CRIME NO.11 OF 2021

[RESPONDENT]

For Petitioner : M/S. M.SARAVANAKUMAR Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 465, 468, 471 and 120 B of IPC read with Sections 43(b), 66, 66C, 66D of Information Technology Act, 2000 in Crime. No.11 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that earlier the petitioner was working as a Lab technician in De-facto complainant's Lab. The petitioner/A1 has scanned the documents of original test reports of various patients who undertook COVID-19 test in De-facto complainant's lab. During October 2020, the petitioner was terminated from the lab, Thereafter, the petitioner along with another person who is arrayed as A2 manipulated the reports in the name of the De-facto complainant's lab and issued fabricated Covid test reports without his knowledge using the Computer resources. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has no knowledge about the alleged offence and and he has been falsely implicated in this case. The learned counsel, on instructions, would submit that the petitioner on his own volition is ready to deposit a sum of Rs.1,00,000/- in favour of ESIC Hospital,



Coimbatore for treating Covid-19 patients. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner fabricated and sent three false reports through email and has also opened a new lab on his own and conducting RTPCR Covid test in the name of De-facto complainant's lab. Hence, the Government Advocate (Crl. Side) vehemently opposed the grant of anticipatory bail.

5. Considering the facts and circumstances of the case and the submissions made on either side and in view of the fact that the petitioner on his own volition is ready and willing to contribute a sum of Rs.1,00,000/- for Covid related measures, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Coimbatore, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit either in cash or demand draft in favour of The Dean, ESIC Hospital, Coimbatore, for the treatment of COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;



(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/08/2021

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 JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CYBER CRIME POLICE STATION,
COIMBATORE CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, ESIC HOSPITAL,
COIMBATORE

CC to M/S. M.SARAVANAKUMAR Advocate on payment of necessary charges Sr.9435

CRL OP.15320/2021

Date :31/08/2021

RVR 13/09/2021