IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16095 of 2021

HARSHA GUDURU [PETITIONER / ACCUSED]

Vs

STATE OF TAMIL NADU REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CYBER CRIME CELL,
CENTRAL CRIME BRANCH-1,
VEPERY, CHENNAI-600 007.
CRIME NO.46 OF 2021.

For Petitioner : M/S.MANURAJ Advocate

For Respondent : MR.A.GOPINATH, Govt. 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 at the hands of the respondent police for the alleged offence under Sections 408 and 420 IPC and Section 43(b) r/w 66, 66B, 66C and 72 of Information Technology Act, 2000, in Cr.No.46 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the authorized representative of Tattva Home Health Care Private Limited operating under the brand ''One Life'' and they have been engaged in the business of providing integrated home healthcare services for patients under the brand name ''One Life'' since 2014. The petitioner along with other accused persons who worked in various capacities with the Entity and who were privy to the confidential data had stolen the developed protocols, processes, business models and also the clinical quality controls for their own personal use and causing wrongful loss to the entity and poses risk to the financial prospects of the entity. Aggrieved by the same, the defacto complainant has preferred a complaint before the law enforcing agency.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the learned counsel submitted that the defacto complainant has falsely accused him with theft of developed protocols, processes, business models and proven clinical quality controls and also with copyright infringement and criminal conspiracy. Further though the petitioner had resigned the job on 03.02.2020, the defacto complainant has filed the complaint before the law enforcing agency only on 11.02.2021, nearly after a period of one year and hence the FIR was registered for untenable grounds and prays for grant of anticipatory bail.

4.The learned Government Advocate submitted that the investigation is in preliminary stage in this case and there are no previous cases pending against the petitioner.

5. Considering the facts and circumstances of the case it appears that the petitioner has left the defacto complainant's Entity in the year February 2020 itself, however, the FIR came to be registered only after a lapse of one year ie., on 11.02.2021. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 Metropolitan Magistrate CCB Cases and CBCID (Metro Cases), Egmore, Chennai, 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)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;

(b)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;

(c)the petitioner shall report before the respondent police for a period of 15 days at 10.30 a.m. And thereafter as and when required for interrogation;

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

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

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

-sd/-
06/09/2021

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,
CCB CASES AND CBCID (METRO CASES),
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CYBER CRIME CELL, CENTRAL CRIME BRANCH-1,
VEPERY, CHENNAI-600 007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. MANURAJ Advocate on payment of necessary charges
SR.NO. 9627

CRL OP.16095/2021

Date :06/09/2021

JPA 20/09/2021