

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

ANTICIPATORY BAIL APPLICATION NO. 1599 OF 2018

Rajan Dattatray Bidaye	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mrs. Swati Tekavde with Mr. Mohan Tekavde for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Mr. Jadhav, PSI, N.M. Joshi Marg Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 04th APRIL, 2022.

P. C. :-

1. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.11/2017 registered with N.M. Joshi Marg Police Station for offences punishable under sections 381 and 408 of the Indian Penal Code and Section 43(A)(B), 66 of Information Technology Act, 2000.

2. Heard Mrs. Swati Tekavde, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Ashok Bhimraj Jain, Vice President, Legal and Compliance, Balkrishna Industries Limited, BKT House, C-15, Trade World, Kamla Mill Compound, Senapati Bapat Marg, Lower Parel, Mumbai – 13. The Applicant herein was also working with M/s. Balkrishna Industries Limited since 2005. Initially, he was appointed as a Senior Manager, Technical Development, promoted as Assistant General Manager, Technical and subsequently, as a Senior Deputy General Manager, Technology Head Office, Mumbai.

4. It is alleged that while in service, the Applicant was entrusted to handle important information and technical data which was highly confidential in nature. It is stated that the Applicant had abused his position and breached the condition of service. He transferred intellectual data belonging to the company to GRI Tire Company at Srilanka, a competitor company of M/s. Balkrishna Industries Ltd. The records reveal that prior to the registration of FIR, the Applicant herein has expressed his intention to resign from the Company. The wife of the Applicant had also lodged the complaint alleging that the persons from the Company had trespassed into her house and had taken away the laptop and pen drive of the Applicant. It is stated that the present

complaint is filed as a counter blast to the complaint lodged by the wife of the Applicant against the Manager and Officials of the company.

5. Be that as it may, it is stated that the laptop and pen drive have been attached and sent for analysis to CFSL. The Applicant is on interim bail since 2018. During the period he was on interim bail, he had reported to the Investigating Officer and has been duly interrogated. It is stated that till date, CFSL report is not yet received. Though the crime was registered in the year 2017, the Investigating Agency has not made adequate attempts to obtain the CFSL report and file charge sheet.

6. Considering the nature of accusations and the fact that the investigation is otherwise completed, in my considered view, the Applicant is entitled for pre-arrest bail. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.11/2017 registered with N.M. Joshi Marg Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.40,000/- with one or more sureties in the like

amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by the Investigating Agency ;

(c) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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