



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11077 of 2022

SANJAY MEENA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
CHENGALPATTU DISTRICT
CRIME NO.216 OF 2022.

[RESPONDENT]

For Petitioner : MR.A.R.L.SUNDARESAN, Senior Counsel for
M/S.ADITHYA REDDY Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

For Intervenor : M/S.V.VENKATESAN, Advocate

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 punishable under Sections 406, and 420 IPC and Section 66 D of the Information Technology Act, 2000, in Crime No.216 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had agreement with the Collegedunia Web Private Limited Company for admitting students in their college through digital service. Based on that, the petitioner, who is the Director of the company, alleged to have received a sum of Rs.1,25,76,126/- for 8698 students instead of Rs.56,62,800/- for 1716 students, misusing their college name in the I.P. Created by the petitioner company.



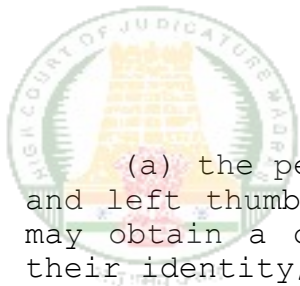
3. The learned counsel for the petitioner submitted that the petitioner company has not misused the I.P. address of the defacto complainant, and there is a dispute with regard to payment for digital service provided by them to the defacto complainant. To that effect, notice has been given and arbitration proceedings have also been pending. In the meanwhile, the present criminal complaint has been lodged only to harass the petitioner and they have not committed any such offence as alleged by the prosecution.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that the petitioner company had provided the website to other States also and thereby the students from other States have also admitted in various colleges and thereby cheated the defacto complainant. He further submitted that enquiry with regard to recovery of the excess payment for service is also pending.

5. Heard the learned counsel appearing for the intervenor and perused the materials available on records carefully.

6. On a perusal of the First Information Report and the relevant records, it is seen that the complainant had an agreement with the petitioner company for providing digital service for admitting students in their college. Further it is stated that the petitioner-company has provided digital service only 1716 students, but they have collected the amount for 8698 students, which is against law. The defacto complainant had paid a sum of Rs.1,25,76,142/- as an advance payment to the petitioner for the service provided to them for the year 2019-2020. On verification, they came to know that the petitioner company is eligible only for a sum of Rs.56,62,800/-, but the defacto complainant paid Rs.69,13,342/- in excess to the petitioner company. The above said nature of the transactions between the parties seems to be excess payment for a digital service provided to them, which is civil in nature. Admittedly, there is a dispute with regard to the payment pertaining to the digital service provided to the defacto complainant.

7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.II, Chengelpet, on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), 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 and 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;

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(b) the petitioner shall report before the respondent police as and when required for interrogation;

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

(d) the petitioner 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 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;

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

-sd/-
12/05/2022

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, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
CHENGALPATTU DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.ADITHYA REDDY Advocate on payment of necessary
charges SR.NO.7066

+1 CC to M/S.V.VENKATESAN, Advocate on payment of necessary
charges SR.NO.7077

CRL OP.11077/2022

Date :12/05/2022

JPA 16/05/2022