



CrI.O.P.No.17797 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 408 and 420 of IPC, in Crime No.13 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had contract with the defacto complainant's company namely "DIMA Business Solutions Pvt Ltd" to develop software for which the defacto complainant spent Rs.10 Crores. Thereafter, the said software became failed, due to which, the petitioners resigned their job and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit the petitioners had a contract with the defacto complainant's company to develop a software. Thereafter, the developed software became failed. Due to which, the petitioners resigned from their job and cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Even according to the case of the prosecution, the petitioners had contract with the defacto complainant's company namely "DIMA Business Solutions Pvt Ltd", to develop a software for which the defacto complainant spent Rs.10 Crores. However, the developed software became failed. Thereafter, after failure of the software, the petitioners had resigned from their job. Therefore, no offence is made out as against the petitioners, since they had contract with the defacto complainant and subsequently, the software developed by them got failed.

6. Considering the above facts and circumstances, the custodial interrogation of the petitioners does not require in this case. Hence, this



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Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Judicial Magistrate No.VII, Coimbatore, on condition that each of the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their 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 alone 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. The second petitioner shall report before the respondent police as and when required for interrogation.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.07.2022

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