



Crl.M.P.No. 12739 of 2022
in Crl.O.P.No. 17797 of 2022

WEB COPY **G.K.ILANTHIRAIYAN, J.**

This petition has been filed to cancel the anticipatory bail granted to the petitioner in Crl.O.P.No.17797 of 2022 dated 28.07.2022.

2. The case of the prosecution is that the defacto complainant is the Managing Director of M/s.DIMA Business Solution Pvt. Ltd., who lodged a complaint alleging that the respondents 1 and 2 were employees of the firm and they approached the petitioner for establishing the business in Information Technology Service and made the defacto complainant to believe that as if they are expertise in the filed of software development hence the Company would earn more profit. Therefore, they were invited to the Company and they also promised and undertook the responsibility for the amount invested in the software business. Believing the said words, the 1st accused was appointed as Chief Executive Officer for a monthly salary of Rs.1,00,000/- and the 2nd accused was appointed as Chief Technical Officer for a monthly salary of Rs.1,90,000/-. However, the defacto complainant invested more than Rs.10 Crores to improve infrastructure for developing software. While developing the software, they also borrowed a loan from the defacto complainant totalling a sum of Rs.53,88,000/- on various dates. The



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respondents 1 and 2 were in Dubai. The software developed by them were handled by another employees of the company and during the process of installation of the software the application containing software got erased, further the entire records stored in company's computers too vanished due to the software developed by them. When it was questioned, they answered in a rude manner. Further, they threatened the employees of the company. Therefore, a complaint was lodged and the 3rd respondent registered an FIR in Crime No.13 of 2022 for the offence under Section 120B, 408 & 420 of IPC.

3. Therefore, the respondents 1 and 2 apprehended arrest at the hands of the respondent police and filed anticipatory bail petition before this Court.

4. This Court, considering the facts and circumstances of the case, feels that the custodial interrogation of the petitioners is not required and granted anticipatory bail on conditions that

“ 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



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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.

[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."



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conditions imposed by this Court. However, the defacto complainant filed a petition to cancel the anticipatory bail granted to the respondents 1 and 2 herein on the ground that due to illegal activity of respondents 1 and 2, the petitioner/company suffered loss to the tune of Rs.10 Crores. Suppressing the entire allegations, they falsely represented before this Court and this Court granted anticipatory bail to the respondents 1 and 2. Now the entire personal data of the Company also extracted by the accused persons. The entire system got erased and it was done in a planned manner with utter motive by the respondents 1 and 2. They had stolen the company software and used the same not only for their personal business benefit but also used the same to steal the confidential information stored in the company's electronic storage devices. Further, the software developed by the accused persons destroyed the entire data stored in the company's computer system and thereby caused huge loss. Therefore, the custodial interrogation of the respondents 1 and 2 is very much required in this case.

6. The learned counsel appearing for the respondents 1 and 2 filed a counter stating that in the month of January 2019, the defacto complainant appointed them, after conducting enquiry, as Chief Executive Officer and Chief Technical Officer for a monthly salary.



Based on the instructions, they along with their teammates, made a Cyber Security Software and the same was completed in the month of May 2021 itself. The product was also sent to Data Security Council of India and the same was approved by DSCI. After the approval, the defacto complainant had sent the software to HITACHI, Vellore Institute of Technology, both the institutions had approved the same.

7. While being so, the respondents 1 and 2 received salary advance and handed over post dated cheques even after returning the said amount they are about to ensure the same. The respondents 1 and 2 caused legal notice on 19.02.2022. On receipt of the notice, the respondent alleged that the defacto complainant had lodged the complaint containing all these allegations. Now the defacto complainant improved his allegations and had filed this petition for cancellation of anticipatory bail.

8. This Court already considered that their custodial interrogation is not required and granted anticipatory bail to the respondents 1 and 2 with certain conditions and the conditions were duly complied by them. It is nothing but to harass the respondents 1 and 2 and to extract more money from them, the present petition has been filed.

9. The learned Additional Public Prosecutor also submitted that



the respondents 1 and 2 were duly complying with the conditions imposed by this Court and the investigation is pending.

10. Therefore, this Court finds no grounds to cancel the anticipatory bail granted by this Court to the respondents 1 and 2 herein. However, the learned counsel for the petitioner vehemently contented that there is a huge loss to the defacto complainant's Company since the entire system was collapsed in lieu of the action of the respondents 1 and 2 herein. Therefore, the respondents 1 and 2 are directed to deposit the title deed of property not less than the value of Rs.1 Crore standing in the name of the respondents 1 and 2 or their friends or their relatives to the credit of Crime No.13 of 2022 on the file of the Judicial Magistrate No.VII, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. Further, the respondents 1 and 2 shall appear before the 3rd respondent daily at 10.30 a.m., for a further period of two weeks.

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