



Crl.O.P.No.7243 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023, for the alleged offences punishable under Sections 120B of IPC and Sections 3(1)(a) and 5(1)(a) of the Official Secrets Act, 1923 in Crime No.52 of 2023, seeks bail.

2. The case of the prosecution is that on 03.03.2023 at about 18.30 hours, on receipt of the secret information that one R.Udhayakumar / accused [A-1] has illegally shared the photograph about Army equipment to other country person, P.K.Mohana Sundaram, Sub Inspector of Police along with his team (i.e) Tr.Nagalingam, Gr.1PC- 1495 and Tr. Andiyappan Gr.1PC-1523 went to the house of A1 and conducted an enquiry with him. On enquiry, he stated that he has studied B.E [EEE] at Hosur and was working as contract labour in LRDE / DRDO Bengaluru in 2017, during which time he took photographs of Army equipments including RADAR and restricted documents relating



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to Hardware technical specification of DRDO and Indian Army in his mobile phone and he sent the same to one Unknown person/A-2 who is a foreign national. Thereafter, the respondent police arrested A-1 and seized his mobile phone & Laptop under the cover of seizure mahazar in the presence of witnesses. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has completed his B.E(EEE) graduation from Adhiyaman College of Engineering, Dharmapuri in the year 2016 and he was only working as a contract labour in DRDO and even during with course of employment, the petitioner was not allowed to take his mobile phone inside the premises of DRDO. He also submitted that the petitioner himself is a victim, who was honey trapped by A2 and he is now caught up in a predicament. He further submitted that other than sharing the photos about the materials which are available in the open market, the petitioner has not done anything and he has nothing to do with the alleged offence. He also



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submitted that though the petitioner was earlier enquired by the Subsidiary Investigation Bureau (SIB) for about six months and later, he was handed over to the respondent for further investigation. He also submitted that the petitioner is married recently and his wife is pregnant and likely to have delivery any time. He also submitted that the petitioner is in custody from 03.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter and the relevant paragraphs are extracted hereunder:-

" 5. It is submitted that during the course of investigation the Sub Inspector of Police produced the seized mobile phone 1) Redmi Note-7, 2) Redmi Note-11, 3) Laptop G 580 were produced before the District Munisif Cum Judicial Magistrate Court, Denkanikottai and the same was taken on file and assigned C.P.No.57 of 2023, dated 06.03.2023. The said mobile and gadgets have to be sent to Digital and Cyber Forensic Division, State Forensic Science Laboratory, Chennai for



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forensic analysis.

6. It is submitted that during the investigation, it came to light that A-1 had purchased AIRTEL Sim Card at Bengaluru by furnishing his I.D.proof for mobile number bearing 99021 62528. A-1 had retained the SIM Card with him and shared the mobile number details to A-2, who had activated the said SIM card through online by sharing an OTP number with A-1. It is further submitted that the respondent police on verification with the Intelligence Bureau, Government of India has come to know that the location of said Mobile Number is tracked at the country of Pakistan. From the above source the respondent police came to know that the A-1 had fell into a honey trap being orchestrated by A-2 whose identity is anonymous and came into frequent Whatsapp conversation with A-1 during few years ago. It is submitted that a request is addressed to Cyber Crime Police Station, Krishnagiri District by the respondent police to further to take the IP Address with location. From the above background, it came to light that there is a serious threat to the security of the country and further the said offence committed is of grave nature which is against the national security and sovereignty of India"



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5. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that it is the case which involves national security and sovereignty of India. He further submitted that there is also likelihood of the case being transferred to any of the Central Government Agency for further investigation. He also submitted that the investigation is at premature stage and if the petitioner is released on bail at this stage, there is every possibility of him absconding, tampering the evidence and threatening the witnesses, thereby, he prayed for dismissal of the petition.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on both sides and also taking note of the fact that the investigation is at nascent stage and also considering that there is likelihood of transferring the case to another investigation agency of the Central Government, this Court is not inclined to grant bail to the petitioner at this stage.



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8. Accordingly, this Criminal Original Petition stands dismissed for the present.

10.04.2023

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