



Crl.O.P.No.7592 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 385 and 506(ii) of IPC in Crime No.219 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Bernard George is that he is the Managing Director of M/s.Green Telemed Limited and M/s.Next International Limited, Papua New Guinea (South Pacific Region) and the petitioner/A2 who was his former employe, as a Senior Business Manager of M/s.Next International Limited along with the main accused/A1 had stolen the technical data and confidential intellectual property of the company and had also taken photographs of the de-facto complainant's family and had threatened them and demanded ransom amount from them. Hence the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was employed as a Senior Business Manager in the de-facto complainant's company viz., M/s.Next International Limited on consolidated pay and he was asked to go to Papua New Guines (South Pacific Region)/abroad and the petitioner was working there and since, the de-facto complainant had not paid the salary, the petitioner and the other persons returned back to India and since they demanded their salary, a false complaint has been given. He further submitted that already disputes are pending between the petitioner and the de-facto complainant in respect of salary and a domestic enquiry is also pending and therefore, a false case has been foisted/registered against the petitioner. He also submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him and he is also ready to file an Affidavit of Undertaking that he will not interfere with the family affairs of the de-facto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner/A2 is the former employee of the de-facto complaint company viz., M/s.Next International Limited and while he was working in that company in abroad, he had stolen the technical data, confidential intellectual property rights of the company and had also misused the family photographs of the de-facto complainant and demanded ransom in the name of pending salary. Hence, he objected to the grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and submissions of the learned counsel and also of the undertaking given by the petitioner that he will not interfere with the family affairs of the de-facto complainant and he is also prepared to file an affidavit to that effect, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. 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 on which the order copy made ready, before the **learned Judicial Magistrate No.3, Coimbatore District**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall file an Affidavit of Undertaking before the learned Magistrate concerned at the time of executing the bail bond, that he will not upload/share any messages or photographs or videos of the de-facto complainant's family in future and also that he will not



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interfere with the family affairs of the de-facto complainant hereinafter.

[c] the petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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