



Crl.O.P.No.7282 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 66 r/w. 43(j) IT (Amendment) Act 2008 in Crime No.15 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sreekumar, the Corporate Manager, Manufacturing of MRF Corporation Limited, Tarapore Towers, Chennai, is that the accused was appointed as a Deputy Manager-Technical on 15.04.204 in their company and he was promoted from time to time and reached the position of the Chief Executive of the company in the year 2017. The petitioner was the over all in charge of the company and responsible for the activities including manufacturing, quality, purchase, R & D and sales and he was allotted with a laptop (DELL-Latitude 3400, bearing No.8KQCKW2) for carrying out his official activities. The further allegation is that the accused had committed theft of trade secrets and intellectual property of the company and sold them to 3rd parties and obtained a wrongful gain.



Crl.O.P.No.7282 of 2023

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Further the petitioner had obtained kickbacks from the suppliers of the company and cheated the company to the tune of Rs.10 crores. It is the further case that the accused after resignation, returned the laptop to the company and it was subjected to forensic audit and it was found that the accused had retrieved the vital information from the computer and sold it to 3rd parties. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him on account of personal vendetta. He would submit that the petitioner is a Doctorate in Chemical Engineering and Polymer Science and he had joined the company of the defacto complainant during the year 2004 as a Technical Manager and based on his performance, he was duly promoted from time to time, and during the year 2017, he was appointed as Chief Executive of the company. Having put in service for more than 13 years, he had for betterment of his future, intended to leave the company and on 31.03.2022, the petitioner had put up his papers and submitted the resignation and the same was also accepted on the same



Crl.O.P.No.7282 of 2023

day. The petitioner has returned all the office belongings including the personal computer and other electronic items given to him and the same were also acknowledged by the company vide email. The company had not settled the PF dues and other benefits to the petitioner from March 2022, he had sent several communications to the company and it was not responded properly and thereby the petitioner had filed the suit in O.S.No.422 of 2023 before the 4th Additional City Civil Court, Chennai for recovery of dues on 05.12.2022 and it was numbered and taken on file and the notice had reached the defacto complainant on 18.02.2023, they had also entered appearance. While so, being antagonised that the petitioner had taken legal action against them, the defacto complainant company as a counter blast, given a false complaint against the petitioner. He would submit that the entire electronic items which were entrusted to the petitioner were returned to the defacto complainant immediately after resignation and it was also duly acknowledged. The petitioner has not tampered with the personal laptop or other electronic gadgets. Further, based on the complaint, the petitioner was served notice under section 41A and the petitioner has also appeared before the



Crl.O.P.No.7282 of 2023

respondent for enquiry. The petitioner's house was also searched in the presence of the officials of the defacto complainant. The petitioner has also co-operated and no incriminating materials were recovered from the petitioner's house. He would submit that the petitioner has a strong roots in the society and he is ready and willing to appear before the respondent for any kind of investigation. Hence, the present petition has been filed.

4. The learned Government Advocate (criminal side) for the respondent would submit that the allegation against the petitioner is that he had stolen the trade secrets and intellectual property rights of the company while working as Chief Executive of the company and transferred to competitors and further allegation is that he has received kickbacks from several suppliers to the tune of Rs.10 crores and caused wrongful loss to the company. He would submit that notice under section 41A was issued to the petitioner and the petitioner had appeared for the enquiry and house search was also conducted and nothing incriminating has been recovered from the house of the petitioner. However, he opposed for grant of anticipatory bail to the petitioner/accused.



Crl.O.P.No.7282 of 2023

WEB COPY

5. Mr.Saravanan, the learned counsel appearing for the intervenor/defacto complainant would vehemently opposed the bail petition stating that the company believing the petitioner had elevated him to the post of Chief Executive and the company had reposed confidence and had allowed him a free hand in the business. Whereas, the petitioner taking advantage of the position, had stolen the vital data from the company relating to trade secrets and intellectual property right. He would submit that the electronic gadgets handed over to him were subjected to forensic audit and it was found that just before the day of his resignation, he has copied all the data from the laptop entrusted to him and had transferred them to some other storage. He would submit that if the petitioner is granted bail, there is every possibility of him interfering with the investigation and there is also a possibility of him absconding. He would submit that as per the report of the internal auditor, the amount cheated by the petitioner is worth about Rs.21 crores, thereby, he would object for grant of bail to the petitioner.



Crl.O.P.No.7282 of 2023

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6. The learned counsel for the petitioner would submit that in paragraph No.13 of the intervening application, the defacto complainant had stated that on number of occasions the petitioner refused to appear for enquiry and since there was no reply forth coming from the petitioner they were constrained to initiate criminal proceedings against the petitioner. He would further submit that the petitioner had returned the laptop and other gadgets and if at all the defacto complainant has to recover any information that could be recovered from the hard disk of the computer and the custodial interrogation may not be required and would pray for bail.

7. Heard both sides and perused the materials available on record.

8. Considering the above facts and circumstances of the case and the submissions made by either side, it is seen that all the electronic gadgets are with the defacto complainant and they have also done a forensic audit, further the petitioner has duly appeared before the respondent on receipt of notice under section 41 A Cr.P.C and house search had been conducted and nothing incriminating has been



CrI.O.P.No.7282 of 2023

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recovered. This Court is of the opinion that in this case custodial interrogation may not be required and thereby, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 Chief Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty 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 in the event of possessing a passport shall surrender it before the concerned Court at the time of furnishing**



Crl.O.P.No.7282 of 2023

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[c] the petitioner shall report before the respondent police every day at 11.30 a.m., for a period of two weeks and thereafter every Saturday at 11.30 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.

30.03.2023

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A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.7282 of 2023

Crl.O.P.No.7282 of 2023

30.03.2023