



Crl.OP.No.22212 of 2023

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WEB CO **C.V.KARTHIKEYAN, J.**

The petitioner seeks anticipatory bail in Crime No.15 of 2023, registered under Sections 403, 406, 420, 294(b) IPC and also under Section 72A of Information Technology (Amendment) Act, 2008.

2.It is the case of the prosecution that the petitioner was a former employee of the de facto complainant/HCL Technologies Limited and it is alleged that the petitioner had copied/shared certain confidential information of the said Company into his personal g-mail account. Thereafter it is further alleged that the petitioner had joined a rival technology firm/L & T Edu Tech and it was apprehension of the de facto complainant that the petitioner would be sharing such confidential information with the Firm. It was under those circumstances that the complaint came to be lodged and the FIR came to be registered.

3.The learned counsel for the petitioner stated that the de facto complainant had also instituted a civil suit in the High Court of Delhi, seeking damages against the petitioner and also more importantly seeking a restraint against the petitioner from sharing the information which according to them was in the possession of the petitioner herein. It is also contended that the petitioner had filed his written statement and thereafter, the de facto



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complainant/plaintiff in the High Court of Delhi had stated that the issues could be referred to mediation.

4. My learned predecessor by an order dated 26.9.2023, after examining paragraph 40 of the plaint in the civil suit in the High Court of Delhi, had also granted interim protection to the petitioner herein and had also directed the respondent to proceed further with enquiry. A status report was directed to be filed by the respondent with respect to the enquiry conducted and it is stated as follows in the status report:

"12. It is further submitted that, regarding the above, I have issued summon to the accused to appear before me for enquiry. Then the petitioner/ accused appeared on 3.10.2023 & 4.10.2023 for enquiry and one questionnaire was given to the petitioner/accused but the abruptly denied the use of Symantec Endpoint Protection VPN Connection at the time of offence.

13. It is further submitted that on 09.10.2023, I have issued summon to the Defacto Complainant to produce the assessment report and details of the confidential file which was alleged to this case. But the defacto complainant produced a written letter dated 25.10.2023, mentioned that the contents of files as mentioned in his complaint are purely private, confidential as the same are bearing Business / Trade secrets, pricing and Contract details, Privately composed business proposals etc., of the company.



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14.It is submitted that the Defacto Complainant did not co-operate the enquiry, when I asked the details of files, he replied that he will produce the details before the court in a sealed envelope. Hence, it is difficult to asses the value of the documents and proceed the investigation”.

5.It is therefore clear that the de facto complainant had taken a decision not to co-operate with the enquiry. In view of that particular fact, anticipatory bail is granted to the petitioner.

6.Taking into consideration the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner herein with certain conditions.

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 Court-I, Alandur**, on condition that the petitioner 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 petitioner and the sureties shall affix their



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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 petitioner to report before the respondent police **everyday at 10.30 a.m., for a period of two weeks** and thereafter **as and when required** for interrogation.

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

[d] the petitioner 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 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]**.

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

08.11.2023

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