



CrI.O.P.No.26724 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.26724 of 2023

Edison Ramesh

...Petitioner/Accused-2

Vs.

State represented by
The Inspector of Police,
Cyber Crime Police Station,
Central Crime Branch, Team-D,
Chennai-600 007.

(Crime No.274 of 2023)

...Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.274 of 2023 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.John Sathyan (Senior Counsel)
for M/s.S.Sachin Priya Daniel

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)

For Intervenor : Mr.K.R.Ramesh Kumar



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ORDER

The petitioner/A2 seeks bail in Crime No.274 of 2023, registered by the respondent police for the offences punishable under Sections 408, 420 r/w 201 & 120B of IPC and Sections 66C, 66, 43(a) & 43(f) of Information Technology Act, 2000.

2.Even before proceeding further it must be stated that there are totally seven accused and I am informed that A3, A4, A5 and A6 had been granted bail after being remanded to custody and A7 had been granted anticipatory bail. A1 is still absconding. The present petitioner is A2.

3.The entire issue surrounds the functioning of EPIKInDiFi Software and Solutions Private Limited, which apparently has two separate operations one in India and another in Australia.



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4.It is stated that A1, was one of the promoter and he had control over the same. Subsequently, the defacto complainant had also entered into the picture and he took control of the said EPIKInDiFi Software and Solutions Private Limited unit in India. Naturally, tussles arose between the defacto complainant and the 1st accused. The 1st accused was removed. However it is complained that the present petitioner herein, had taken instructions from the 1st accused and had accessed the Software passwords of the said Company and had blocked operations.

5.The learned counsel for the defacto complainant stated that the present petitioner was in-charge of the development area which included direct contracts with clients and possessed informations relating to the clients and therefore, any interference in the software in that particular department and if it is supplied to the competitors, would directly affect the functioning, profitability and business prospects of EPIKInDiFi Software and Solutions Private Limited in India.



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6.The specific contention is that the petitioner herein had taken instructions from A1 though A1 had been removed. It is further stated that acting under his instructions, the other accused namely A3, A4, A5, A6 and A7 had also joined in blocking the password access of the customers of EPIKInDiFi Software and Solutions Private Limited India unit. The said Indian wing had also instituted proceedings before the Delhi High Court.

7.The entire operations are run under Amazon Web Services and the Company is involved in cloud funding and providing such services to various banks. The access to software, would therefore be extremely sensitive. If they are blocked by changing the password, then the entire business would come to a standstill. Orders had been passed by the Delhi High Court. Simultaneously, litigations have also been initiated at the Court in Victoria in Australia and orders have also been passed there.



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8.The learned counsel for the defacto complainant stated that this petitioner/A2 has no official duty or responsibility with respect to the numbers alleged to have been blocked by changing the password.

9.One of the issue raised by the learned Senior Counsel for the petitioner is that Amazon Web Services had issued a communication giving out a string of numbers which according to them come under the control of the jurisdiction of New South Wales and not of India. These are issues which will have to be examined but it is stated that investigation is in progress.

10.In view of that particular fact, I am inclined to grant bail to the petitioner subject to the following conditions:

11.Accordingly, the petitioner is ordered to be released on bail on condition to 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 Additional Chief Metropolitan Magistrate, Egmore, Chennai, and on further conditions that: -



[a] 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 petitioner shall appear before respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner must disclose whatever informations he knows and that disclosure should be true and correct. If there is non co-operation during investigation process, the Investigating Agency or the defacto complainant are at liberty to file an application seeking to cancel this particular order on the ground of violation of crucial condition of disclosure of true and correct information.

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

[e] the petitioner shall not tamper with evidence or witness 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



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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.

15.12.2023
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C.V.KARTHIKEYAN. J.

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To

1. The Additional Chief Metropolitan Magistrate, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Cyber Crime Police Station,
Central Crime Branch, Team-D,
Chennai-600 007.
4. The Public Prosecutor,
High Court of Madras.

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