



Crl.OP(MD)No.13990 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 08/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13990 of 2023

Ganesan

... Petitioner/ Accused No.2

Vs.

1.State: rep. by

The Deputy Superintendent of Police,

District Crime Branch, Karur.

(Crime No.20 of 2023)

2.State: rep. By the Sub Inspector,

District Crime Branch,

Karur.

... Respondent/Complainants

For Petitioner : Mr.M.Suresh, Advocate
For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER:- For Anticipatory Bail in Crime No.20 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the offences punishable under sections 120-B, 406 and 420 IPC, in Crime No.20 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant is working as General Manager of RK Exports (Karur)



Crl.OP(MD)No.13990 of 2023

WEB COPY

Private Limited, Karur. One Kathirvel was appointed as Senior Merchandise of their company, on 14/11/2022. The duty that was assigned to him is that he must collect information through email from the buyer, placed the same before the Managing Director for approval, in turn, he must submit the same to the buyer for placing orders. But after sometime, the behaviour of the above said Kathirvel became suspicious. On 14/07/2023 at about 11.00 am, he surprisingly entered into the cabin of the A1 namely Kathirvel. At that time, he was found possessing the marketing track sheet. When that was enquired, he gave contradictory statement. Further enquiry reveals that this petitioner colluded with one Ganesan for sharing the datas with regard to the specification, price, etc., and by sharing the above said data, if any benefit is received by the Ganesan, then he is entitled for 3% commission. By the above said illegal activity, he gained Rs.85,000/-. By the above said process of sharing the data, the above said company suffered loss of Rs.38,00,000/-. On the basis of the above said occurrence, a case in Crime No.20 of 2023 was registered for the offences under sections 120-B, 406 and 420 IPC against two persons.

3. Seeking anticipatory bail, this petition has been filed by A2.

4. The learned counsel appearing for the petitioner would submit that this petitioner did not receive any benefit because of the above said theft alleged to have been committed by A1. He would further submit that the petitioner is also running a



Crl.OP(MD)No.13990 of 2023

rival business and because of the rivalry only, he has been wrongly implicated.

WEB COPY

5.Per contra, the learned Additional Public Prosecutor would submit that by committing the data theft of the above said company, A1 shared the same with the other accused for profit or commission as the case may.

6.But during the course of investigation, it was not revealed as to whether any order has been placed by the de-facto complainant and that failed due to the data theft, that was committed by A1. There is no material to show that this petitioner also placed orders with the buyers quoting less price, than that of the offer made by the de-facto complainant. Unless it is shown that the de-facto complainant lost the business, because of sharing of the information or data with this petitioner, he is entitled for bail. But however, if during the course of investigation, if custodial interrogation is required, the respondents are at liberty to move the trial court for appropriate orders. Granting of anticipatory bail will not stand in the way of the above said proceedings.

7.In view of the above fact, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Karur and on his executing 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



Crl.OP(MD)No.13990 of 2023

WEB COPY

learned Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under [Section 438 Cr.P.C.](#) scrupulously.

sd/-
08/08/2023

/ TRUE COPY /

/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To,

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE, DISTRICT CRIME BRANCH, KARUR.
- 4 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SURESH, Advocate (SR-12005[I] dated 09/08/2023)

ORDER IN
CRL OP(MD) No.13990 of 2023
Date :08/08/2023

RS/VRS/SAR-1(14.08.2023) 4P 7C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023