

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.671 of 2023

ORDER:

1. Heard Sri S.Harinath Reddy, learned counsel for the petitioners as well as the learned Additional Public Prosecutor who is representing the Respondent-State.

2. This Criminal Petition, under Section 438 Cr.P.C., is filed for grant of pre-arrest bail in respect of the petitioners, who, as per the submission of the learned counsel for the petitioners, are unnamed accused in Crime No.1337 of 2022 of Madhapur Police Station.

3. Contending that the petitioners have not committed any offences whatsoever, learned counsel states that there is apprehension of arrest of the petitioners in the crime in question only because the petitioners, who are the Employees of the *de facto* complainant's Company, have left the company at the same time when the prime accused, i.e. Accused No.1, left the company. Learned counsel states that there are no allegations that are directly levelled against the petitioners in the complaint and therefore, they are not arrayed as accused.

However, they are apprehending arrest and therefore, anticipatory bail may be granted.

4. The submission of the learned Additional Public Prosecutor is that Accused No.1 had committed theft of the sensitive information of the Company and left the Company along with other employees, including the petitioners herein and therefore, Police are investigating to know the involvement of the petitioners herein. A perusal of the record, more particularly the complaint, does not disclose that the petitioners have got access to the alleged sensitive information of the Company or their active involvement. Further, it also cannot be held that the petitioners have not at all involved in the allegations that are levelled against them in the light of the pendency of investigation. So far as the present application for grant of anticipatory bail is concerned, no material is shown as to why such a request cannot be honoured. Also, as earlier indicated, as of now, there are no grave allegations that are directed against the petitioners.

5. Therefore, this Court is of the view that the request of the petitioners can be honoured, however, conditionally.

6. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioners are directed to surrender before the concerned Court within ten (10) days. On such surrender, they shall be enlarged on bail on their executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) each with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioners shall report before the Station House Officer, Madhapur Police Station on every Sunday and Thursday, between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioners should not involve in any unlawful activity.
- (iv) The petitioners should afford all assistance for the proper investigation of the case.
- (v) The petitioners should not cause the evidence of the offence disappear.

- (vi) The petitioners should not tamper with the evidence in any manner.
- (vii) The petitioners should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioners hold passport, they shall surrender the same.
- (ix) The petitioners should ensure their presence whenever required by the Court or Police.
- (x) The petitioners shall not leave India without previous permission of the Court concerned.
- (xi) The petitioners shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioners shall intimate the court concerned by giving fresh affidavits duly mentioning the change. They shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 30.01.2023
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.671 of 2023

Date:30.01.2023

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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