IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.411 OF 2024

Ajitkumar Bipen Bihari Tripathy .... Applicant

versus

The State of Maharashtra .... Respondent

…....

- Mr. Niranjan Mundargi a/w Ms. Keral Mehta, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1121/2023, dated 31/12/2023, registered with Chakan Police Station, Pimpri Chinchwad, under sections 408 of the Indian Penal Code.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Munish Rathi. He was working as Account Manager with M/s. S. K. S. Fasthners Ltd. The Applicant was an employee of that company between 01/01/2012 to 30/09/2015 in the Sales and Development Department as a Deputy Manager. Then he left that job. From 01/02/2016 he again joined the company on the same position. At that time, while giving him the appointment letter, a clause was included that the company's information shall not be divulged to anybody else. While leaving the company, all the data and information had to be given back to the company. It is mentioned that while working in the company he was given a separate email ID and he was supposed to communicate using that particular email ID. As he was working in the Sales Department, he was aware of the future planning, power point presentation, sale plans, raw materials suppliers' details and company's products' potential. In short, he was aware of all the important information. On 26/07/2023, the Applicant left the company. He had returned the email ID and the password with the company. After that, one Deepak Dalimbe working as a

Deputy Manager in the said department, received phone calls from the customers telling him that the Applicant was willing to provide the same products at a lesser price. On making enquiries they came to know that the Applicant had transferred some information from the company's email ID to his personal email ID. Thus, according to the informant, the Applicant had used that data and had caused wrongful loss to the company. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR is vague. The Applicant was working with the company for a long period and when he left the company, the officers of the company were not happy with him. He submitted that the Applicant has not joined any rival company. But he has joined a company which is in a totally different field. The Applicant is appointed at a higher salary in that company. The informant's company is not happy about this situation and they are harassing the Applicant. He submitted that the Applicant's use of personal email ID was known to the other employees in the

company and he had not transferred any data and information behind the back of the company's management. He submitted that he had not used that data for any other purpose. The products of his current company are totally different.

5. Learned APP opposed these submissions. She relied on the investigation carried out so far. She produced investigation papers before me. They contain email ID whereby some information is transferred from the company's email given to the Applicant to his personal email ID. There are some statements of the employees of the company which are similar to the FIR. However, learned APP submitted that, till today no particular customer has come forward to give any statement that the Applicant had approached him offering products at lesser price.

6. I have considered these submissions. As of today, the allegations in the FIR are quite vague. It is not explained as to what is the exact or approximate wrongful monetary loss or any other loss to the informant's company. There is nothing to show that any particular customer was approached by the Applicant.

The investigation so far has not revealed name of a single customer who was approached by the Applicant offering him to sell products similar to that of the informant's company at lesser price. Learned counsel for the Applicant has relied on the certain emails from page Nos.122 onwards which show that one of the personal email ID used by the Applicant was known to the company and therefore it cannot be said that the Applicant had transferred the company's database to his personal email ID. The investigation papers produced before me do not mention the name of any particular customer. The information is in respect of the particular parts, raw materials and other details.

7. There is nothing to show that the company where the Applicant is currently working is in the rival business of that of the informant company. There is nothing to show as to exact how much and in what manner wrongful loss is caused to the company. Considering all these aspects, the Applicant's custodial interrogation is not necessary. It would be sufficient if the Applicant attends the police station and co-operates with the investigation.

8. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No.1121/2023, dated 31/12/2023, registered with Chakan Police Station, Pimpri Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station on 04/03/2024, 05/03/2024 and 06/03/2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called and shall cooperate with the investigation.

(iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)