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CrI.O.P.No.26997 of 2023

T.V.THAMILSELVI, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 408, 420 IPC and 43(j) read with Section 66 of IT (Amendment Act), 2008 in 110 of 2023** , seek anticipatory bail.

2. The case of the prosecution is that M/S. Infoplus Technologies Pvt. Ltd was incorporated in 2005 at Chennai and has been engaged in the business of providing technological solutions for examinations and 3 Dimensional visual and virtual tools and software services for various governmental organizations, that Mr. Srikanth Settipalli and his mother are the shareholders that the power of attorney agent is also a director, that M/S. 3DM engineering for U Pvt. Ltd was acquired by him with the object of providing services in the education and learning sector, that since the acquisition all its employees and intellectual property were transferred to M/S. Infoplus Technologies Pvt. Ltd. it was alleged that M/S. Infoplus Technologies Pvt. Ltd shifted its business towards



provision of services through tenders to government organizations in education field; the learning sector, that the Defacto Complainant also started a different company in the name of M/S. Learnengg Pvt. Ltd along with an employee (The petitioner herein) of M/S. Infoplus Technologies Pvt. Ltd; that 40 employees of M/S. Infoplus Technologies Pvt. Ltd were transferred to M/S. Learnengg Pvt. Ltd. It was alleged that Mr. N.Rajaganapathy, an employee of M/S. 3DM engineering for U Pvt. Ltd was transferred to M/S. Infoplus Technologies Pvt. Ltd and also was a part of M/S. Infoplus Technologies Pvt. Ltd for 15 years. The petitioners further submits that it was further alleged in the FIR that the defacto-complainant created a separate entity namely, "M/s.Learn engg Pvt Ltd and that the petitioner was made a minority shareholder by giving 2 shareholding and made as the head of operation of M/s. Learnengg Pvt. Ltd put in charge of all technical operations. It was alleged in the complaint that M/s. Learnengg Pvt Ltd does not transact any business on its own except providing services for M/s Infoplus Technologies Pvt. Ltd. petitioner further submits that it was alleged in the FIR that all the proprietary data and intellectual property created by M/S. Learnengg Pvt.



Lte belonged to M/S. Infoplus Technologies Pvt. Ltd, that M/S. Infoplus Technologies Pvt. Ltd began to lose its projects that it came to their knowledge that the aforesaid employees of the companies connived with some third parties namely one Mr. Harshavardhan and incorporated a competing company in the name and style of, "M/S. Promath Technology Pvt. Ltd", that during the enquiries made by the GPA it has come to light that the petitioner along with N. Rajaganapathy have committed various offences against their company as listed out herein. The allegation against the petitioner is listed out in brief are as follows:

(1) The 1^a petitioner and Mr. N. Rajaganapathy have stolen valuable data from the company servers and sold it to third parties through online applications. They have also used the data and resources to undertake projects in other states and monetarily gaining.

(ii) M/S. Promath Technology Pvt. Ltd does not have any original product of their own but all products were stolen from M/S. Learnengg Pvt. Ltd and thereby caused major losses.

(ii) The petitioners deceived the defacto complainant by making them separate the companies with the sole motive of deceiving them by entrusting him with all intellectual property and then misappropriated for their own gain.

iv. The employees have misappropriated crores of rupees by cheating the



management.

v. The persons have stolen intellectual property with regard to educational contents

(vi) They have without authorization transferred many employees from their company to the petitioner's company.

(vi) A huge loss to the tune of Rs. 25,00,000/- have incurred and the projected loss could be more than Rs.2,00,00,000/- (Rupees Two crores)

(vii) Further, when the defacto complainant rushed to the office in Chennai on 04.11.2023 around 9 pm to take stock of the situation, some unknown persons threatened him in filthy language and with dire consequences.

3. The petitioners' contend that all the allegations levelled against him are baseless and in fact the original complainant S.Srikanth settipalli happened to be his neighbour and childhood friends during the year 2005 he requested him to develop and to incorporate a new company, to expand his business in India thereby the petitioner joined M/s Infoplus Technologies Private Ltd., as first employee in India. Thereafter, he helped the complainant to extend his business operations with his technical know - how from the year 2005 with sole aim to develop the software for educational institutions and due to his hard work he



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developed the unique examinations management system and obtained several projects in Indian university and they also found 3DM engineering private limited in which the complainant and his complaint acquired entire shares and the said business was rolling success got several orders from prestigious clients namely Kerala department of employment and training and others. The defacto complainant assured to make him a shareholder in M/s Infoplus Technologies Pvt. Ltd., but thereafter he was giving lame excuses and using dilatory tactics in making the first petitioner a director and out of that dismay the first petitioner quit his job in the year 2016. Thereafter the misunderstanding was arosed between them. While so, due to glitches in their system their projects was cancelled and the matter was referred to arbitration. Again the defacto complainant requested him to resolve the issue based on the defacto complainant's assurance he joined as Director in the year 2019 thereafter M/s Learn Engg Pvt Ltd was started by the first petitioner and he has only having 20% share in the said company but with a malafide intention the defacto complainant applied to tenders relating to his business in the name of his old company never allowed to promote his



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M/S Learn Engg Pvt Ltd. The first petitioner has execute project worth about 14 crores, which was all due to his hard work and dedication but entire shares beneficiaries enjoyed by the complainant. Further, the defacto complainant siphoned off all the revenue of the M/s. Learn Engg. Pvt Ltd to his company by taking orders in his personal company's name and thereafter delegating work to the M/s. Learn Engg. Pvt Ltd and paid only monthly expenses like salaries, rentals without any revenue sharing and deceived the first petitioner.

4. Further, he would submit that other accused persons are employees but they are also falsely implicated in this case and prayed for bail with any reasonable conditions.

5. The learned counsel for the intervenor submits that defacto complainant's employees were transferred to his companies and also contend that both persons have stolen valuable data from the company servers and sold to third parties they are having valid source of information and also contend that they also used their data and resources for illegal monetary gain. Further, the staffs also A3, 4 and 5 colluded with A1 and A2 developing softwares to third parties company namely



Promo technologies which was incorporated by these petitioners thereby the defacto complainant suffered loss of several crores of rupees. Hence he raised objection to grant the bail

6. Considering the facts of the both were childhood friends and directors of the company in the beginning the first petitioner was first employee of the defacto complainant's company M/s. Info Plus Technology Private limited subsequently both of them started M/s Learn engineering private limited. The allegation on the side of the defacto complainant is that data of his company were stolen and clandestinely transferred to the petitioner's company thereby the defacto complainant sustained huge loss near about 6 crore loss. Considering the above, as all documents already seized of case, there is no possibility of tampering the evidence. Hence this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the



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learned Judicial Magistrate - I, Alandur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners and 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 first petitioners shall deposit a sum of Rs.20 lakhs each to the credit of crime No. 110 of 2023 within a period of four weeks from the date of receipt of a copy of this order and shall appear before the respondent police as and when required for the interrogation.

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

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



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[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.

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