



Crl.O.P.No.29140 of 2023
and Crl.M.P.No.106 of 2024

C.V.KARTHIKEYAN,J.

The petitioner/A3 in Crime No.83 of 2023, registered by the respondent for the offences under Sections 406, 420 r/w 109, 120 IPC and Section 66 of IT Act, seeks bail. The petitioner had been remanded to custody on 02.12.2023.

2.It is the case of the prosecution that the petitioner was originally working in a Company called MED-PRO Healthcare Services Pvt., Ltd. The nature of work discharged by the said Company is to collect information about the patients who are attended by the doctors in US and collecting bills and examining whether there is insurance coverage and collecting and facilitating payments of the insurance amount for the medical charges incurred. It is stated that A1 and A2, had started a separate Company in the name of M/s Mcare Pro Healthcare Services Pvt., Ltd. They were also employees of the defacto complainant. After they had started the aforementioned new Company, this particular petitioner also joined in the Company. It is the specific allegation that with the assistance of A4, who had been arrested only recently on 17.01.2024, this petitioner, who had access to data, had transferred vital information including the details of all the doctors and all the patients. This amounts to



invasion of privacy of those doctors and to the advantage of the newly started Company.

3.The learned counsel for the petitioner stated that the petitioner was working as only an Operational Manager and therefore, he was not directly involved in such transfer of data. However, the defacto complainant is also represented by a learned counsel who stated that all the crucial data held by MED-PRO Healthcare Services Pvt., Ltd., had been transferred to Mcare Pro Healthcare Pvt., Ltd., and it is stated that it was this petitioner who did so with assistance of A4.

4.It must also be mentioned that A1 and A2, have also filed anticipatory bail application in CrI.O.P.No.27275 of 2023 and which is also listed today but since an application had been seeking amendment of the provisions of law, has not been listed before this Court, the hearing of that application could not be conducted.

5.A Counter affidavit has been filed by the Investigating Officer wherein it had been very specifically stated that the nature of duty of this particular



petitioner was to follow up the client's bills from the insurance Companies and it is stated that he was associated with A1 and A2 and assisted them and also made numerous calls to them.

6.It is also stated that though notices under Section 41-A Cr.P.C., had been issued to A1 and A2, they had not responded to such notices. It is stated that on 17.01.2024, one further employee had been arrested and therefore, further investigation is required to be done. In view of that particular fact and since investigation is at a nascent stage, grant of bail would hamper the progress of investigation.

7.Taking all these factors into consideration and particularly, the fact that sensitive information had been transferred, which requires further investigation to be conducted, I am not inclined to grant bail to the petitioner herein. Accordingly, this Criminal Original Petition stands dismissed. Connected Criminal Miscellaneous Petition is closed.

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23.01.2024

C.V.KARTHIKEYAN,J.

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