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Crl.O.P.No.31213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31213 of 2024

A.Vignesh Raam

... Petitioner

Vs.

State Rep. by
Inspector of Police
District Crime Branch
in Crime No.25 of 2024
Coimbatore

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with the case in Crime No.25 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Mrs.Malarvizhi Udayakumar

ORDER

Petition seeking bail in respect of Crime No.25 of 2024 registered for the offences punishable under Section 316(4), 318(3), 318(4), 319(1), 351(2), 336(4), 340(2) of BNS, 2023 and Section 66D and 72A of Information Technology Act, 2000 and Section 4 of the TN Prohibition of harassment of



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Women Act, 2002, is on board for consideration.

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2.The incarceration of the petitioner being from 15.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner joined the de facto complainant's company in 2015 as a Production Engineer and was later promoted to the position of Additional Director in 2019. He also submits that with the consent of the de facto complainant, the petitioner established a company under the name and style of "The Pipal Oak Company" in 2021 and engaged in the production of similar products. The de facto complainant was aware of this and even placed orders with the petitioner's company between 2021 and 2024. He also submits that the de facto complainant, feeling threatened by the petitioner's business competition, lodged a false complaint alleging that the petitioner had stolen the company's proprietary know-how. He also submits that the petitioner's laptop was seized by the respondent police and a significant portion of the investigation has already been completed. He also submits that further custody of the petitioner may not be required in this case, as the petitioner has no antecedents.



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3.The case of the prosecution as per the de facto complainant is that the accused, who joined as a Production Engineer in the de facto complainant's company, later elevated as Additional Director, had committed theft of the company's proprietary know-how, thereby caused wrongful loss for more than Rs.1.5 crores. When it was questioned by one of the female Directors of the company, the petitioner misbehaved with her and attempted to outrage her modesty. Hence the case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail, submits that the petitioner, who was employed as Production Engineer in the company of the de facto complainant had committed theft of company's proprietary know-how and later started his own production, and caused loss to the tune of more than Rs.1.5 crores. When the same was questioned by one of the Directors of the company, the petitioner had abused him and his Mother, who is also a Director of the company. He further submits that the investigation is still pending.

5.The learned counsel for the Intervener/de facto complainant while vehemently opposing for grant of bail, submits that the petitioner not only



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caused significant financial loss to the de facto complainant's company but also abused the female Director of the company using filthy language.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counter affidavit filed by the respondent, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Annur, and on further conditions that:

[a] 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 petitioner shall stay at Chennai and report before the Inspector of Police, Mylapore Police Station, Chennai, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during



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investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 269 of B.N.S.

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To

1.The Judicial Magistrate,
Annur

2.Inspector of Police
District Crime Branch
Coimbatore

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police,
Mylapore Police Station
Chennai.



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A.D.JAGADISH CHANDIRA., J.

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Crl.M.P.No.18008 of 2024
in
Crl.OP.No.31213 of 2024

A.D.JAGADISH CHANDIRA, J.

Ordered.

17.12.2024
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