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Crl.O.P.No.1639 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.04.2025

PRONOUNCED ON: **22.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 1639 of 2025

G.Sudarshan Lodha

...Petitioner/Accused

Vs.

The State Rep. by
The Inspector of Police,
Cyber Crime Wing-I,
West Anna Nagar,
Chennai District – 600 040.
(Crime No.287 of 2024)

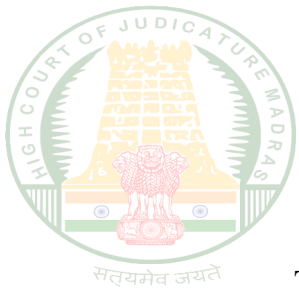
...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.287 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan, Sr. Counsel
for Ms.Lavanya .V

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor : Mr.Arun Anbumani
for Mr.A.R.Balaji.



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 66C and 66D of Information Technology (Amendment) Act, 2008 (IFT Act) r/w. Section 318(4) and 319 of BNS 2023 in Crime No.287 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. (i) The case of the prosecution is that the defacto complainant is a company, engaged in the business of acquiring and developing land for industrial and warehousing projects; that the company by name M/s.Strata Property Management Private Limited, developed a proprietary platform that advertises rentable commercial spaces and facilitates public investment; that the defacto complainant and the said company entered into several memoranda of understanding (MoUs), wherein the defacto complainant agreed to develop industrial and warehousing projects; that the said company M/s.Strata Property Management Private Limited, agreed to acquire these projects through several companies (Special Purpose Vehicles [SPVs]); that after the execution of memorandum of understanding, dispute arose between the two companies; and that arbitration proceedings are pending.



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(ii) It is the further case of the prosecution that one Ms.Richa Goel, is an employee of the Securities Exchange Board of India [SEBI] and also holds a significant position in the said M/s. Strata; that Mr.Vijay Thirumalai, who is the Chief Information Officer (CIO) and Chief Technology Officer (CTO) of the defacto complainant's office, received an email from the E-mail ID i.e., richagoel.sebi@gmail.com, requesting detailed information of certain projects of M/s.Strata; that under the bonafide belief that this enquiry is legitimate and that of Mrs.Richa Goel and as she is a SEBI official, the CEO of the defacto complainant has disclosed critical financial information; that later it was found that the E-mail address did not belong to Ms.Richa Goel; and that the emails were sent at the instance of the petitioner and thus, committed the aforesaid offences.

3. Mr.John Sathyan, learned senior counsel for the petitioner would submit that the allegations are false; that the petitioner is a running company viz., M/s.Strata Property Management Private Limited; that since



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the defacto complainant could not succeed in the arbitration proceedings and the other civil proceedings, in order to arm-twist the petitioner and to give a criminal colour to the dispute, have filed this false complaint; and that in any case, custodial interrogation is not required for the purpose of investigation and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) on instructions submitted that the investigation revealed that the E-mail ID through which certain information was sought for from the defacto complainant did not belong to Ms.Richa Goel; that a fake E-mail ID was created on 18.02.2020 and when the IP log details were collected from the concerned service providers, it was revealed that the service provider ACT Fibrenet network, which was used in the fake E-mail Id and the recovery E-mail ID shows the same network; that the subscriber details and the recovery E-mail ID reveal the phone number which belonged to the petitioner and thus, the petitioner has committed the aforesaid offences and prayed for dismissal of the petition.

5. Mr.Arun Anbumani, learned counsel for the defacto complainant



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submitted that the petitioner had specifically used the name of Ms.Richa Goel knowing fully well that she was working in SEBI; that the defacto complainant were under the bonafide belief that information was sought by SEBI and had shared it; that it was confidential financial information; that because of that the defacto complainant had lost business and substantial money and hence vehemently, opposed the grant of anticipatory bail.

6. Since the learned Government Advocate (Crl.Side) sought time, to ascertain the nature of the confidential information that was shared by the petitioner on the request in the fake E-mail ID, this Court while granting interim protection to the petitioner on 07.02.2025 had granted time and also directed the petitioner to appear before the respondent daily for a period of four days i.e., from 11.02.2025 to 14.02.2025. It is reported that the petitioner had also appeared for a period of four days before the respondent.

7. Apart from stating that the E-mail ID did not belong to Ms.Richa Goel, neither the prosecution nor the defacto complainant were able to say as to what is the nature of sensitive information that was shared by the



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defacto complainant. The learned Government Advocate (Crl.Side) produced a series of E-mail exchanges said to have been made between the fake email ID and the CEO of the defacto complainant company and the E-mails only reveal that the sender of the E-mail was upset with the CEO of the defacto complainant company for not giving information about a certain company by name Micro Plastics, in which the said Ms.Richa Goel, is said to have made certain investments. That apart, the E-mails do not suggest that the information was sought for in the capacity of a SEBI official. Further, the petitioner had now appeared before the respondent, pursuant to the earlier direction of this Court. In any case the allegations against the petitioner are borne out by records.

8. Therefore, considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and hence, inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days



from the date on which the order copy is made ready, before the learned **XI**

Metropolitan Magistrate, Saidapet, Chennai, on condition that the

petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten

Thousand only) 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 said Magistrate, on further condition 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 report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during 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



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Crl.O.P.No.1639 of 2025

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*** reported in [(2005)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

22.04.2025

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
Cyber Crime Wing-I,
West Anna Nagar,
Chennai District – 600 040.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The XI Metropolitan Magistrate,
Saidapet, Chennai,

**Pre-delivery order in
Crl.O.P. No.1639 of 2025**



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