

Crl. O.P. No.11333 of 2025

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0000IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11333 of 2025

Dr. Bhupat Haribhai Desai

... Petitioner/Accused-4

Vs.

The State represented by-

The Inspector of Police,
Cyber Crime Wing,
Ambattur, Chennai-600 053.
(Crime No.82 of 2023).

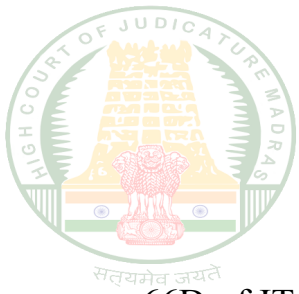
... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.82 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S. Kasirajan
For Intervenor : Mr. K.R. Hariharan
For Respondent : Ms. J.R. Archana
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.04.2025, seeking bail in Crime No.82 of 2023 registered for the offences under Sections 420 of IPC and Section



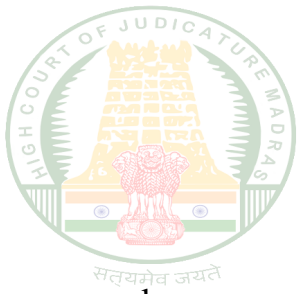
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66D of IT Act @ Sections 406, 420 r/w 109, 120 IPC and Section 66B of IT Act

@ 406, 420 r/w 109, 120, 201 of IPC and Sections 66, 66(B), 72, 72A of IT Act.

2. The case of the prosecution is that the petitioner has been arrayed as A4; that A2 and A3 were employed under the defacto complainant; that they resigned from the defacto complainant's company and started a similar company dealing with the business of providing medical billing services to the overseas medical institutions; that for that purpose, they had stolen the data from the defacto complainant's company and caused huge loss to the defacto complainant's company and thus committed the aforesaid offences. It is the further case of the prosecution that the petitioner had instigated A2 and A3 to start a company and he is also the Director in the said company and he originally had business transactions with the defacto complainant and he has played an active role in the alleged offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is aged about 80 years; that he was arrayed as an accused in the FIR; that charge sheet has been filed; that on his arrival to India on Tourist Visa, he was arrested pursuant to the Look Out Circular issued by the respondent; that he



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has surrendered his Passport; that in any case, considering the period of incarceration, further custody of the petitioner is not required; that he would co-operate for trial proceedings and prayed that the petitioner may be released on bail;

4. The learned counsel appearing for the defacto complainant, however, vehemently opposed the grant of bail stating that the petitioner is a Director in the company started by A2 and A3; that he has played a vital role in the commission of offences; and that considering the role played by the petitioner, he may not be released on bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing grant of bail to the petitioner, reiterated the prosecution case and confirmed that final report has been filed; that pursuant to the Non-Bailable Warrant and Look Out Circular, the petitioner was arrested. He further submitted that the petitioner has no permanent residence in India and hence, if he is released on bail, he would not be available for trial.

6. Admittedly, the petitioner is aged about 80 years. Investigation has been



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completed and final report has also been filed. The petitioner's passport has now been seized by the respondent police. Considering the nature of allegations against the petitioner and the period of incarceration, this Court is of the view that further custody is not required. However, the petitioner's presence, during the trial, has to be ensured. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Poonamallee.**

[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 trial Court concerned on all hearing dates.

[c] the passport of the petitioner seized by the respondent police shall be kept in the custody of the **Judicial Magistrate No.I, Poonamallee.**

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or



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witness either during investigation or trial;

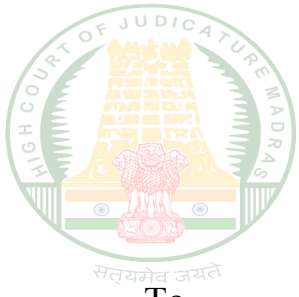
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

[h] Since the petitioner is a Citizen of USA, the respondent shall **communicate the order of granting bail, to the concerned Registration Officer appointed under Rule 3 of Registration of Foreigners Rules, 1992 as per the decision of the Hon'ble Supreme Court in Frank Vitus vs. Narcotics Control Bureau and others in Crl. Appeal Nos.2814-2815 of 2024 dated 06.01.2025.**

15.04.2025

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To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Inspector of Police, Cyber Crime Wing, Ambattur, Chennai-600 053.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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