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Crl.O.P.No.31076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31076 of 2024

Yashwant J Moorjani

Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
Cyber Crime Branch,
Vepery, Chennai- 600 007.
(Crime No.310 of 2024)

Respondent(s)

Prakash Padmanabhan
For Petitioner(s):

Intervenor/defacto complainant

M/s.Tanya Jecintha
Mr.Puhazh Gandhi
Mr.Shobhan Padmanaban

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor(s):

Mr.Vikram Veerasamy

ORDER

Apprehending arrest in connection with Crime No.310 of 2024 registered for the offences punishable under Sections 408 IPC and 66 r/w. 43(a) and 43(b) of IT Act, 2000, the present petition has been filed seeking anticipatory bail.



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2. Pleading innocence on the part of the petitioner, false implication in

the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that, since the petitioner left the employment in the company, a false case has been given against him. He would submit that the petitioner does not possess any confidential material. He would submit that the matter was earlier referred to mediation and a compromise has been entered into between the parties, wherein, the petitioner has given an undertaking that even in the event of confidential material be with him, he will not disclose the same with the third parties and also fixed to the undertaking given by him. He would submit that the custodial interrogation of the petitioner may not be required.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail is that, the petitioner who was a former erstwhile employee of the company has stolen the confidential information and divulged the same to the third parties and thereby, violated the non-disclosure agreement of the company.

4. The learned counsel appearing for the intervenor/defacto complainant would submit that the petitioner is an erstwhile employee.



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However, he would submit that the matter was referred to mediation and the parties arrived at compromise, wherein, the petitioner has undertaken that he will not divulge the confidential information even, if he possessed the same.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, the learned counsel for the intervenor/defacto complainant and perused the materials available on record, considering the facts and the submissions, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **XI Metropolitan Magistrate Court, Saidapet, Chennai- 600 015**, on condition that the petitioner shall execute 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 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:



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[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days from the date on which the order copy made ready, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

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

[d] the petitioner shall not abscond 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.

29.01.2025

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To



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1. The XI Metropolitan Magistrate Court,
Saidapet, Chennai- 600 015

2. The Inspector of Police,
Cyber Crime Branch,
Vepery, Chennai- 600 007.

3. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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