

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 37861 of 2022

Between:-

**SURESH KUMAR S/O SHRI
PARASMAL, AGED ABOUT 52
YEARS, OCCUPATION:
BUSINESS, R/O FLAT 16-E,
PANCHMULDHI OSIAN
HEIGHTS APARTMENT, 76
BASIN BRIDGE HIGH ROAD,
MINT CLOCK TOWER, OLD
WASHENMENPET,
WASHENMENPET, CHENNAI
(TAMIL NADU) 600 021**

.....APPLICANT

***(SHRI DEVAASHEESH DUBEY, LEARNED COUNSEL FOR THE
APPLIACNT)***

AND

**THE STATE OF MADHYA
PRADESH STATION HOUSE
OFFICER THROUGH POLICE
STATION CYBER CELL,
INDORE (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI VISMIT PANOT, LEARNED PL APPEARING ON BEHALF OF
ADVOCATE GENERAL)***

This application coming on for hearing this day, the court passed the following:

O R D E R

Heard on IA.No.10960/2022, which is an application for ignoring the defect.

Although *Vakalatnama* is not in prescribed format but it is duly signed by the applicant and his respective counsel. Enrollment number of the advocate is also clearly mentioned, therefore, IA.No.10960/2022 stands allowed and defect pointed out by the Registry is hereby ignored.

This is the **first** anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in connection with Crime No.46/2021 registered at Police Station – Cyber Cell, Indore (M.P.) for commission of offence punishable under Section 420 and 34 of the Indian Penal Code, 1860 read with Section 66-C, 66-D and 74 of the Information Technology Act.

As per the prosecution story, the complainant Pavan Kumar Varma, Vice President of Pratibha Syntex limited had lodged a complaint against the applicant stating that their companies ROSL/ ROSCTL licence worth Rs.1.25 Crores had been transferred to other companies without the consent of their company. Accordingly, a case has been registered against the present applicant.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. He has been enlarged on transit anticipatory bail by the High Court of Judicature at Madras *vide* order dated 01/06/2022 passed in Cri.O.P.No.13072 of 2022. As per the provisions of Section 41(1) (b) of the Cr.P.C. the arrest of the present applicant is not required but the police wants to arrest him. *Prima-facie* no case is made out against the present applicant. The subject matter of dispute is purely civil in nature. Offences of similar nature have been registered against him at New Delhi and Faridabad and he has been enlarged on bail by the trial Court in both the matters. Applicant is the permanent resident of Chennai (Tamil Nadu) and there is no apprehension of his fled away from the Court of justice. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of anticipatory bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned counsel for the respondent – State opposes the bail application and prays for its rejection by submitting that two more criminal antecedents of similar nature have been registered against the present applicant. He is a habitual offender and the amount in question is more than Rs.27 Crores.

Perused the impugned order of the trial Court as well as the

case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation and also taking note of the fact that although present applicant has been enlarged on transit anticipatory bail by the order of High Court of Judicature at Madras *vide* order dated 01/06/2022 passed in Cri.O.P.No.13072 of 2022 but he is not co-operating with the investigating agency and is not appearing before the local police for the purpose of investigation. The matter pertains to cheating and fraud of more than Rs.27 Crores. Other co-accused persons are also in custody at different places. Applicant has two criminal antecedents of similar nature.

In view of the *prima-facie* evidence available on record against the present applicant, without commenting upon the merits of the case, at this stage, this Court is not inclined to grant anticipatory bail to the present applicant. Accordingly, the first bail application preferred under Section 438 of Cr.P.C. is hereby rejected.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

Tej