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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL PETITION NO. 5178 OF 2026

BETWEEN:

MR. AASHAY HARLALKA
S/O. MR. SUNIL KUMAR HARLALKA,
AGED ABOUT 32 YEARS,
RESIDING AT D-005,
UMIYA WOODS APARTMENT,
ECC ROAD, WHITEFIELD,
BANGALORE 560066.

...PETITIONER

(BY SRI. B.K. SAMPATH, SR. COUNSEL FOR
SRI. SURAJ S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE
WHITEFIELD CEN CRIME POLICE STATION,
REPRESENTED BY THE S.P.P.,
HIGH COURT BUILDING, AMBEDKAR VEEDI,
BANGALORE 560001.
2. PLUTUS RESEARCH PVT. LTD.
REP. BY ITS AUTHORIZED REPRESENTATIVE
SAURABH BHOLA,
HAVING ITS REGISTERED OFFICE AT
B-601 AND 611
PARAGRAPH KHAJANCHI BUSINESS CENTER,





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MONDEAL HEIGHTS, NR.NOVOTEL HOTEL
S.G.HIGHWAY, AHMEDABAD
GUJARAT 380 015

...RESPONDENTS

(BY SMT. PUSHPALATHA B, ADDL. SPP FOR R1;
SRI. ANGAD KAMATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS) OF CR.P.C PRAYING TO A. ANTICIPATORY BAIL IN FAVOUR OF THE PETITIONER AND DIRECT THE RESPONDENT POLICE (WHITEFIELD CEN CRIME POLICE STATION) TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.502/2025 DATED 23.08.2025 (ANNEXURE A) REGISTERED FOR THE ALLEGED OFFENCE P/US/ 65, 66 OF THE INFORMATION TECHNOLOGY ACT 2000 AND SEC.316, 318(4), 319(2) OF THE BNS BY IMPOSING ANY REASONABLE CONDITIONS AS THIS HONBLE COURT DEEMS FIT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

This petition is filed seeking anticipatory bail in Crime No.502/2025 registered on 23.08.2025 before the respondent No.1-Police for the offences punishable under Sections 65, 66 of Information Technology Act, 2000 (hereinafter referred to as IT Act for short) and Sections



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316, 318(4) and 319(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as BNS for short).

2. That a complaint dated 19.08.2025 came to be filed by respondent No.2-defacto complainant, which is a company represented by its authorised representative, alleging inter-alia that one Akshay Yelmelwar, was an employee of the respondent No.2-company worked between 24.07.2023 and 06.06.2025. He had resigned from his employment effective from 07.03.2025, which was accepted. As per the exit obligation, said Akshay Yelmelwar was required to complete all project related documentation, transfer knowledge to the concerned team members and handover all the access credentials and official data in his possession. That the said Akshay Yelmelwar was part of MFT team and reported directly to Aashay Harlalka-petitioner herein and that he operated from the Corporate Office of the respondent No.2-company situated in Bengaluru. That Mr. Aashay Harlalka,



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the petitioner herein was previously terminated from the company effective from 24.03.2025. An FIR in this regard had been filed in Crime No.176/2025 against said Aashay Harlalka-petitioner herein. That there were instances of data theft and unauthorised deletion of the company's proprietary documents and critical data by Akshay Yelmelwar, which has caused operational and financial harm to the company, Akshay Yelmelwar was scheduled to work with the company until 06.06.2025. While narrating instances of deletion, inaccessibility and commission of alleged offences at paragraph Nos.2 to 6 of the complaint, at paragraph No.7 of the complaint it is alleged that the said Akshay Yelmelwar worked under Mr. Aashay Harlalka-petitioner herein on several projects and involved in conducting the research of sensitive and proprietary nature. That he had willfully deleted all such work data from the system prior to his exit from the company. Thus, alleging as above, intervention of the respondent No.1-Police has been sought by registering the FIR and



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investigating into the matter against said Akshay Yelmelwar. Accordingly, aforesaid case in Crime No.502/2025 came to be registered for the offences noted hereinabove.

3. In furtherance to registration of the aforesaid case in Crime No.502/2025, the Assistant Commissioner of Police of the respondent No.1 had issued a notice under Sub Section (3) of Section 35 of the Bharatiya Nagarika Suraksha Sanhita, 2023 (hereinafter referred to as BNSS) calling upon the petitioner herein to appear before the Investigation Officer at Whitefield Cyber Crime Police Station within three days for interrogation with certain directives mentioned therein.

4. Sri.B.K.Sampath Kumar, learned Senior counsel appearing for the petitioner referring to the contents of the complaint noted above and also the notice issued under Sub Section (3) of Section 35 of BNSS referred to above, submits even before expiry of the said 3 days, a request



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was made by the Assistant Commissioner to the XLVII Additional Chief Judicial Magistrate seeking issuance of search warrant and seizure at the premises of the petitioner herein.

5. He further submits that simultaneously another communication came to be issued by the Director General of Police, Cyber Command, Bengaluru to the Investigation Officer purportedly calling upon the Investigating Officer to reveal the stage of investigation on the premise that despite lapse of 6 months from the date of complaint, neither any material was seized nor any custodial interrogation had been conducted.

6. Referring to aforesaid material, learned Senior counsel appearing for the petitioner submits that when in the complaint no *prima facie* allegations are made against the petitioner except naming that the accused thereunder was working under the instruction of the petitioner, the respondent No.1-Police at the behest of respondent No.2-



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defacto complainant, are making hectic efforts to apprehend the petitioner.

7. He also refers to Commercial Arbitration application pending consideration in Com.A.A. No.162/2025 on the file of the Commercial Court, Bengaluru initiated by the respondent No.2-defacto complainant against the petitioner herein, which was filed on 08.04.2025. Referring to the daily order sheet made in the said proceedings, he submits that an application for search and seizure had been filed in the said proceedings and that no order has been passed on the said application.

8. He further submits that petitioner herein is a shareholder (33%) of the respondent No.2-company-defacto complainant and proceedings are pending consideration before the National Company Law Tribunal, Ahmedabad in CP/48(AHM)2025 under Sections 241 and 242 of the Companies Act, 2013 initiated by the petitioner,



in which an interim order has been granted directing the parties to maintain *status quo*.

9. He further submits that respondent No.2-defacto complainant had earlier filed a criminal case in Crime No.176/2025 in which the petitioner has been granted anticipatory bail. He further submits that the present complaint though not directly against the petitioner herein, is a device adopted by the respondent No.2-defacto complainant to coerce and achieve what they could not do in their earlier attempts.

10. He submits that there is a grave and imminent apprehension of petitioner being arrested and subjected to unwarranted confinement and interrogation and seeks for allowing of the petition.

11. Learned Additional SPP opposing the petition submits that the allegations made pertain to the offences falling under the provisions of Information Technology Act,



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2000. The seriousness of the allegations require thorough investigation, including custodial interrogation by the respondent No.1-Police, and without the physical presence of the petitioner, no fruitful investigation can be conducted. She submits petitioner obtaining anticipatory bail in the earlier proceedings cannot be a ground for him to seek similar relief in the present proceedings as the two complaints operate in different domain requiring different set of investigation. Hence, seeks for rejection of the petition.

12. Learned counsel appearing for the respondent No.2-defacto complainant furnishing list of dates and events and compilation of certain documents, submits that merely because there are civil proceedings pending between the parties, the same cannot be a ground for petitioner to urge and trivialize the present proceedings. He specifically refers to an order passed by the Co-ordinate Bench of this Court in criminal petition



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No.12927/2025 dated 25.03.2026 which was filed at the instance of the present petitioner against the authorized representative of the respondent No.2-defacto complainant. He specifically refers to paragraph No.20 of the said order to contend that the Co-ordinate Bench of this Court has already negated the contention of the petitioner of the dispute being civil in nature. He submits that the cyber crime and the cyber crime investigation, as taken note of by the Co-ordinate Bench of this Court is highly technical and complex and petitioner cannot wriggle out of his obligation to cooperate with the investigation. He submits that the petitioner herein has also initiated the proceedings seeking quash of notice dated 13.02.2026 under Section 35(3) of BNS Act by filing writ petition in W.P.No.5681/2026, in which he has specifically sought for direction to the respondent No.1-police not to precipitate the matter or to take coercive measure. He submits that no order has been passed in the said proceedings. Such



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being the case, petitioner cannot maintain this parallel proceedings.

13. He has referred to series of judgments of the Hon'ble Apex Court as well as of this Court and he insists on the propositions submitted by him, more particularly proposition Nos.3, 4, 7 to 11 of his notes. He submits that the scope of Section 482 of BNS is wider and cannot be enumerated to the list of factors. He further submits that grant of anticipatory bail has serious repercussion on the investigative powers which directly affects the outcome of the investigation, more particularly, in cyber crime cases.

14. He submits that the Co-ordinate Bench of this Court in a case involving the allegation of cyber crime in its order dated 18.03.2025 passed in **Crl.P.No.695/2025 c/w Crl.P.No.698/2025** in the case of **Prabhat Sharma Vs. State of Karnataka and others**, had declined to grant anticipatory bail. He refers to paragraph No.20 of



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the said order to buttress his submission that Court must exercise caution when granting anticipatory bail specially in cyber economic crimes. He insists that a custodial interrogation is necessary due to technical nature of the crime and to reveal the full extent of data theft and its concealment method. Thus, referring to the above material he seriously opposes grant of anticipatory bail. Hence, seeks for rejection of the petition.

15. Heard the learned counsel appearing for the parties and perused the records.

16. There cannot be any dispute with regard to the proposition of law canvassed by learned counsel for the respondent No.2-defacto complainant. What is essential to note in the instant case is that the complaint dated 19.08.2025 produced at Annexure-B, the respondent No.2-defacto complainant has alleged purported data theft and misuse etc., specifically and only against its ex-employee one Akshay Yelmelwar, who is not before this



Court. In the allegation made in the complaint, name of the petitioner herein is mentioned alleging that the said employee was working under the instruction of the petitioner herein. There is no direct allegation against the petitioner having he committed any offences directly. The said complaint begins with a statement ;

"Subject: Complaint for registration for First Information Report (FIR) and investigation into multiple offences by Mr. Akshay Yelmelwar"

And ends with the prayer as:

"It is humbly prayed that this complaint be taken on record and a FIR be lodged against Akshay and the matter be thoroughly investigated. Company requests that the Akshay be restrained from intimidating, or influencing the Company's employees and be directed to return any data illegally copied and taken by him from the Company's system."

17. Thus, admittedly there is no complaint against the petitioner herein. FIR in Crime No.502/2025 is registered only against said Akshay Yelmelwar showing him as a accused.



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18. The respondent No.1-Police has issued notice dated 13.02.2026 under Sub Section (3) of Section 35 of BNSS, granting the petitioner herein three days' time to appear before the Investigation Officer in respect of the aforesaid case in Crime No.502/2025.

19. As rightly pointed out by the learned Senior Counsel for the petitioner, even before expiry of the said 3 days, the Investigation Officer has apparently sought for permission to conduct search and seizure of the premises of the petitioner by submitting a requisition dated 16.02.2026.

20. Close to the heels of this, a communication emanates from the Director General of Police, Cyber Crime as found at Annexure-Z1 of the compilation, the said communication has apparently emanated at the instance of the respondent No.2-defacto complainant. Relevant



paragraphs of the said communication are extracted hereunder:

"It is seen from the enclosed representation that even though six months have lapsed following the registration of the crime, no device belonging to the suspect, one Mr. Aashay Harlalka, has been seized and no custodial interrogation has been conducted either the petitioner further alleges that MR. Aashay Harlalka has approached the Sessions Court seeking Anticipatory bail, which was rejected. Further more, the Whitefield CCPS has also reportedly not taken any steps to preserve the digital evidence Pertinent to the case.

The petitioner also alleges that preferential treatment has been accorded to Mr. Aashay Harlalka as compared to another accused, Mr. Akshay Yelmelwar, who was arrested earlier and was reminded to Judicial custody for 30 days. It has been pointed out that Mr. Akshay Yelmelwar was only the executor of the crime, whereas Mr. Aashay Harlalka is the alleged master mind."

21. As already noted, admittedly, there are several civil and criminal proceedings between the petitioner and other directors of the respondent No.2-defacto complainant company. It is not in dispute that the petitioner herein is shareholder(33%) of the respondent



No.2-defacto complainant and he has already approached National Company Law Tribunal, Ahmedabad with regard to internal affairs of the company. The said matter is pending consideration. The respondent No.2-defacto complainant has initiated proceedings before the Commercial Court in Bengaluru under the provisions of Arbitration and Conciliation Act, in Com.A.A.No. 162/2025, which is also pending consideration.

22. There is already a complaint filed by the respondent No.2-defacto complaint against the petitioner in Crime No.176/2025 for the offences punishable under Sections 316, 318(4) and 319 (2) of BNS and Sections 65, 66 of IT Act and the petitioner has been granted anticipatory bail on 11.07.2025.

23. Perusal of the aforesaid order indicate that in the complaint subject matter of Crime No.176/2025, allegation of petitioner herein committing offences in the nature of coding delete, data theft, code copy, intellectual property



theft, cheating, criminal breach of trust have been made. The Court while granting the anticipatory bail has taken note of the fact that the petitioner had already returned the laptop of the complainant company receipt of which has been admitted.

24. The aforesaid facts indicate that the parties are at loggerhead for atleast over two years. As noted above, the present complaint at Annexure-B is not against the petitioner herein in its strict sense. Name of the petitioner is incidentally mentioned while the complaint is directed against certain Akshay Yelmelwar. The apprehension of the petitioner under circumstances of he being arrested, more particularly, in view of the instructions given by the Director General of Police, Cyber Command as extracted hereinabove cannot be ruled out.

25. Perusal of the records indicate that petitioner herein and two others being close friends with the aid and assistance of their respective family members had



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conceived and incorporated respondent No.2-Company, which also appears to have achieved significant success. Dispute, disagreement and irreconcilable differences seem to have arose between the parties resulting in filing and counter filing of the civil and criminal cases. The allegations in the complaint needs to be viewed in this peculiar fact situation of the matter. In that light of the matter requirement of petitioner making out an "exceptional circumstance", "rarest of rare case" for grant of anticipatory bail as vehemently being insisted by learned counsel for the respondent No.2-Company would not arise. The seriousness of Cyber crimes and Cyber offences being repeatedly flagged by the learned counsel for the respondent No.2-Company, in the absence of any direct allegations made against the petitioner herein in the complaint at Annexure-B, loses its thrust which it would otherwise carry. Therefore, the precedents relied upon by the learned counsel for the respondent No.2-company are of no avail to facts and circumstances of the instant case.



26. Petitioner has made out a case of his apprehension of imminent arrest by the respondent No.1-Police. Learned Senior counsel appearing for the petitioner also submits that the father of the petitioner is suffering from 4th stage of cancer. He submits that the offences alleged are neither punishable with death nor life imprisonment and that the petitioner is ready and willing to abide by any terms and conditions that may be imposed by this Court. In the circumstances of the matter, this Court deems it fit to allow the petition. Accordingly the following:

ORDER

(a) The Criminal Petition is ***allowed***.

(b) The respondent No.1-Police shall release the petitioner on bail in the event of his arrest in Crime No.502/2025 for the offences punishable under Sections 65 and 66 of the Information Technology Act, 2000 and Sections 316, 318(4) and 319(2) of the Bharatiya Nyaya



Sanhita, 2023, registered before the respondent No.1-
Police Station subject to following conditions:

- (i) The petitioner shall execute a self bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties for the likesum.
- (ii) The petitioner herein shall appear before the Investigating Officer within 10 days from the date of receipt of certified copy of this order.
- (iii) The petitioner herein shall appear before the jurisdictional Court and obtain regular bail within 10 days from the date of receipt of the certified copy of this order.
- (iv) The petitioner shall appear before the respondent No.1-Police and mark his attendance on every Sunday between 10.00 a.m. and 6.00 p.m. and co-operate with the investigation process till filing of charge-sheet.



- (v) The petitioner shall not leave the country without prior permission of the jurisdictional trial Court.
- (vi) The petitioner shall not influence or in any manner tamper with the prosecution witnesses.

Sd/-
(M.G.S. KAMAL)
JUDGE

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List No.: 4 Sl No.: 5