



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.19579 of 2015

1 À.S. RATHAKURISHNAN
2 A. KUMARASAMY
3 O. SIVATHANU PILLAI

... PETITIONERS /ACCUSED 1 TO 3

Vs

THE STATE REP. BY
THE INSEPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT,
CRIME NO.65 OF 2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S M.P.SENTHIL ADVOCATE
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)
FOR INTERVENOR : MR.K.DURASAMY SENIOR COUNSEL FOR
MR.N.DILIPKUMAR

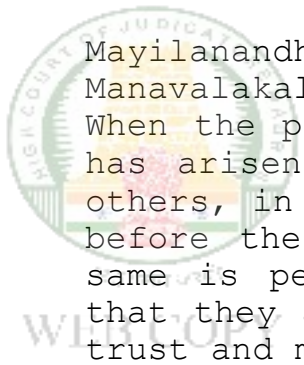
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused 1 to 3 in Crime No.65 of 2015, on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468 and 420 I.P.C. and hence seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other four persons are the trustees of Nagercoil Manavalakalai Mantra Trust, which is registered under the Trust Act. The petitioners being the trustees of the above said trust, misappropriated the trust fund to the tune of Rs.65,00,000/-, which was collected in the name of the trust. Hence, on the complaint given by one Natarajan, who left the said organisation before four years, this case has been registered.

3.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and they did not misappropriate the trust fund and they have been falsely implicated in this case at the instigation of one S.K.Mayilanandham, who is also having a similar nature of trust, namely, World Community Service Sangam. Both the Nagercoil Manavalakalai Mantra Trust and World Community Service Sangam were started by the disciples of Vedhathri Maharishi. The said



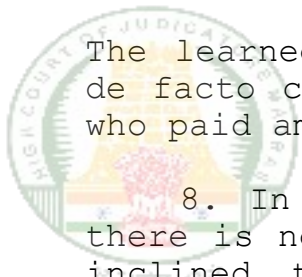
Mayilanandham forced the petitioners to merge the Nagercoil Manavalakalai Mantra Trust with the World Community Service Sangam. When the petitioners refused to do the same, difference of opinion has arisen. Thereafter, the *de facto* complainant along with two others, in the name of the trust, filed a suit in O.S.No.273 of 2015 before the Second Additional Subordinate Court, Nagercoil and the same is pending. The allegation made against the petitioners is that they arranged pilgrimage trip to Rishikesh in the name of the trust and misappropriated the amount collected from the individuals. The petitioners collected only the necessary amounts from the individuals for the pilgrimage trip and absolutely there is no involvement of trust funds. The Pilgrims who paid amount had not complained that they were not taken on pilgrimage and no amount was spent during pilgrimage.

4. On the side of the respondent, a counter affidavit has been filed, wherein it is stated that from the year 2011 to 2015, totally Rs.77,71,500/- was collected from the followers for the tour. During the year 2015, the amount was returned to pilgrims, as they were not taken to Rishikesh. The amounts collected from the followers were paid to one Gomathi Travels at New Delhi. The documents produced by the accused are all created and therefore custodial interrogation of the petitioners is necessary. The investigation is in preliminary stage and prayed for dismissal of the petition.

5. The learned Government Advocate (Criminal Side) submitted that based on the complaint given by one of the Executive Member of the trust, this case has been registered and since the *de facto* complainant did not produce any document to support his complaint, investigation is pending. The accused persons produced documents for the tours conducted to Rishikesh for the period from 2011 to 2015 and for ascertaining the genuineness of the said documents, custodial interrogation of the petitioners is necessary and prayed for dismissal of the petition.

6. The learned senior counsel for the intervenor submitted that the accused persons, from the year 2011, under the guise of conducting tour programmes to Rishikesh, issued pamphlets and advertisements and collected the amounts from the interested participants and deposited the same in their personal accounts and thereby misappropriated a sum of Rs.64,99,372/-.

7. It is seen from the materials placed before this Court that the allegation against the petitioners is that they gave advertisements in the name of the trust for pilgrimage trip to Rishikesh and collected amounts and deposited the amounts in their personal accounts. In the advertisement, they have mentioned that the amount shall be paid in Account No.34778988195 in the names of A.Kumaraswamy and A.S.Rathakrishnan. According to the *de facto* complainant, the petitioners misappropriated the trust amount to the tune of Rs.65 lakhs. But, the petitioners deposited the amounts which were collected as per Advertisement in the above referred account as mentioned in the advertisement and the travellers were taken to Rishikesh. The entire transaction has been approved by the Resolution passed by the Trust and the documents were produced before the respondent police.



The learned Government Advocate (Criminal side) submitted that the de facto complainant failed to produce any document. The pilgrims who paid amounts had not made any complaints.

8. In view of the above facts and circumstances of the case, there is no necessity for custodial interrogation and this Court is inclined to enlarge the petitioners on anticipatory bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Nagercoil, and on each executing 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 learned Magistrate and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C. scrupulously.

8.The petitioners shall appear before the learned Magistrate within a period of 15 days from the date on which the order copy is made ready failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO I,
NAGERCOIL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
AT NAGERCOIL, KANYAKUMARI DISTRICT.
3. THE INSEPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC To M/S M.P.SENTHIL ADVOCATE SR.No. 67788
+ 1 CC TO MR.N.DILIPKUMAR, ADVOCATE IN SR NO. 68060

ORDER
IN
CRL OP(MD) No.19579 of 2015
Date :26/11/2015

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<https://hcservices.ecourts.gov.in/hcservices/>
TE/AAL-MFA/SAR-11 : 02/12/2015