



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

Thursday, the Twenty Sixth day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

Crl.O.P. (MD) Nos.3741, 3755, 3784, 3856, 3922, 3986, 3997, 4014, 4024,
4045, 4073, 4323, 4383 and 4440 of 2015

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1. V.GANAPATHI SUBRAMANIAN
2. V.RAMAKRISHNAN ... PETITIONERS/ACCUSED 1 & 2 IN CRL.OP (MD) NO.3741/15

NAGENDRAN ... PETITIONERS/SOLE ACCUSED IN CRL.OP (MD) NO.3755/15
D.SENTHIL SERVAI ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.3784/15
M.ABDUL RAHMAN ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.3856/15
P.L.LAWRENCE ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.3922/15
S.RATHEESH ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.3986/15
BALAMURUGAN ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.3997/15
R.VIJAYABOSE ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.4014/15
RAMAN ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.4024/15
CHINNAIYA @ CHINNAIYA BASKAR

... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.4045/15
RAJARAMAN @ BHARATHIRAJA
... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.4073/15
ULAGAPPAN @ ALAGAPPAN ... PETITIONER/ACCUSED IN CRL.OP (MD) NO.4323/15
J.ASHOK KUMAR ... PETITIONER/SOLE ACCUSED IN CRL.OP (MD) NO.4383/15

1. SUBBARAYAN
2. P.NAGARAJAN
3. PITCHAI MUTHU
... PETITIONERS/ACCUSED NOS.1 TO 3 IN IN CRL.OP (MD) NO.4440/15
Vs

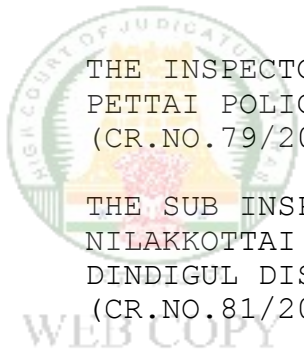
THE INSPECTOR OF POLICE
THIRUPPARANKUNDRAM POLICE STATION,
THIRUPPARANKUNDRAM, MADURAI DISTRICT.
CR. NO.107/2015. ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3741/15

THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.245 OF 2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3755/15

THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
(CR.NO.105 OF 2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3784/15

THE INSPECTOR OF POLICE,
TOWN POLICE STATION, PATTUKKOTTAI,
THANJAVUR DISTRICT.
(CR.NO.129 OF 2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3856/15

THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CR.NO.80/2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3922/15



THE INSPECTOR OF POLICE,
PETTAI POLICE STATION, TIRUNELVELI.
(CR.NO.79/2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3986/15

THE SUB INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.81/2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.3997/15

THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERKOIL TOWN, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CR.NO.151/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4014/15

THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
(CR.NO.204/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4024/15

THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
PUDUKOTTAI & DISTRICT.
(CR.NO.86/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4045/15

THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION,
TRICHY DISTRICT.
(CR.NO.228/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4073/15

THE INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION,
PUDUKOTTAI DISTRICT.
(CR.NO.51/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4323/15

THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
(CR.NO.111/2015) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4383/15

THE SUB INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
(CR.NO.113/15) ... RESPONDENT/COMPLAINANT IN CRL.OP (MD) NO.4440/15

FOR PETITIONER : M/S.K.GOKUL ADVOCATE IN CRL.OP (MD) NOS.3741 & 4024/15
M/S.M.BENAZIR BEGUM, ADVOCATE IN CRL.OP (MD) NO.3755/15
M/S.V.KARUNA, ADVOCATE IN CRL.OP (MD) NO.3784/15
M/S.V.SASIKUMAR, ADVOCATE IN CRL.OP (MD) NO.3856/15
M/S.S.C.HEROLD SINGH, ADVOCATE IN CRL.OP (MD) NO.3922/15
M/S.N.SHANKAR GANESH, ADVOCATE IN CRL.OP (MD) NO.3986/15
M/S.R.R.KANNAN, ADVOCATE IN CRL.OP (MD) NO.3997/15
M/S.K.APPADURAI, ADVOCATE IN CRL.OP (MD) NO.4014/15
M/S.RMS.SETHURAMAN, ADVOCATE IN CRL.OP (MD) NO.4045/15
M/S.V.ACHUTHAN, ADVOCATE IN CRL.OP (MD) NO.4073/15
M/S.KR.SINGARAVADIVEL, ADVOCATE IN CRL.OP (MD) NO.4323/15
M/S.M.K.KARTHIKEYA VENITACHALAPATHY, ADVOCATE IN CRL.OP (MD) NO.4383/15
M/S.S.TITUS, ADVOCATE IN CRL.OP (MD) NO.4440/15



FOR RESPONDENT : MR.A.P.BALASUBRAMANIAN, GOVT. ADVOCATE (CRL. SIDE)
IN ALL PETITIONS

FOR INTERVENOR : MR.VEERAKATHIRAVAN, ADVOCATE IN ALL PETITIONS

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

ORDER : The Court Made the following order :-

In this batch of cases, the petitioners herein have been shown as accused by the respondent police concerned for floating and running Non-Governmental Organizations, styled as "Human Rights Organizations" in various parts of the State and making the common man to believe that they are authorized by the State to entertain complaints of Human Rights violations and take action against the violators of human rights.

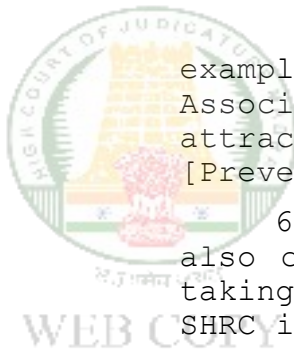
2. Though Part III of the Constitution of India guarantees several fundamental rights and particularly, Article 21, with its expanded contours, can be declared as the sentinel of individual human rights, yet, the law makers in their wisdom felt that vibrancy can be infused into Article 21, only if there is a separate machinery for dealing with human rights violations and therefore, enacted the Protection of Human Rights Act, 1993 and constituted the National Human Rights Commission and directed the State Governments to constitute State Human Rights Commission in the respective States. Now, a proper statutory machinery has been put in place by the Central and State Governments for dealing with complaints of human rights violations, despite which it was observed that Boards and Banners, bearing titles, like "Human Rights Organizations", suddenly mushroomed in the nook and corner of the State. Self-proclaimed human rights activists surfaced everywhere, flying the flag of the United Nations and other Organizations in their vehicles, claiming to be the founders of such organizations and including the names of eminent persons, like former President A.P.J.Abdul Kalam, Justice V.R.Krishna Iyer, Justice P.N.Bagawathi, et all, in their letter heads as if they have their patronage. With Visiting Cards and Letter Pads, so printed, these individuals were emboldened to interfere not only into public affairs, but also into the affairs of the common man. No one really dared to question them, fearing that they are part of the State machinery.

3. It is said, "All people can be fooled sometimes, some people can be fooled at all times, but all people cannot be fooled at all times".

4. The bluff of such impostors came to the adverse notice of the National Human Rights Commission and two Circulars dated 25.09.2009 and 29.12.2010, were issued by the National Human Rights Commission, asking Government to take serious action against such Non-Governmental Organizations and individuals. It may be relevant to extract a few paragraphs from the above said two Circulars, which read as under:-

Circular dated 25.09.2009:-

5. It has come to the notice of the Commission that some NGOs/Organizations/Societies are getting themselves registered as society/trust/company with names similar to the National Human Rights Commission of State Human Rights Commission for



example, using words such as "National Human Rights Association" or 'State Human Rights Association' etc. This attracts the provisions of Section 4 of the Emblems and Names [Prevention of Improper Use] Act, 1950.

6. Some instances of misuse of the name/logo of NHRC have also come to notice of the Commission. Some organizations are taking advantage of the similarity of their names with NHRC and SHRC in various manners.

7. May, I therefore, request you to:

(a). Draw attention of all authorities registering societies/trusts/companies, etc., to the provisions of the Act with advice that if any organization applied for registration with a name/logo similar to NHRC or SHRC, the matter be referred to the Central Government under intimation to NHRC.

(b) Advise all Dms/SDMs/SSPs that if any instances of misuse of name/logo of NHRC come to their notice, the matter should be reported to NHRC."

Circular dated 29.12.2010:-

"4. The Commission has written to Chief Secretaries of States and UTs to take strict action against such individuals/NGOs/Organizations misusing the name and logo of the Commission and misleading the public.

5. However, the practice of misusing the name and logo of the NHRC by the individuals/NGOs/Organizations is unabated and Commission has taken serious note of it. To check misuse of the name and Logo of the Commission, you are requested to:

[c]. direct all Dms/SSPs to take immediate action against such individuals/NGOs/Organizations who are found misusing the name and logo of the Commission and ensure that nobody misuses the name and logo of the NHRC for personal gains and action taken report may be sent to NHRC.

[b]. Direct Registrar of Societies in the State not to register any organization having similar note/acronym/logo as NHRC, India.

[c]. give wide publicity in the local electronic and print media that there is no provision for registration, affiliation to the individuals/NGOs/Organizations with the National Human Rights Commission and Commission does not authorize any one to act on its behalf. The individuals/NGOs/Organizations misusing the name and logo of the NHRC will invite legal action against them."

5. A Full Bench of the Tamil Nadu State Human Rights Commission, in SHRC No.1089 of 2009, had passed an order, directing the State Government to take appropriate action against Non-Governmental Organizations, misusing the words "Human Rights" in their logos and letter heads. On the recommendation of the Tamil Nadu State Human Rights Commission, the Tamil Nadu State Legislature amended Tamil Nadu Societies Registration Act, 1975, by Amendment Act 2 of 2010 and inserted the following provision to Section 9 of the Principal Act, which reads as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

"2. In Section 9 of the Tamil Nadu Societies Registration Act, 1975, [hereinafter referred to as the

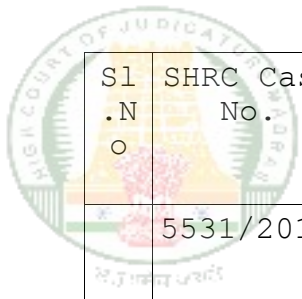


Principal Act, in sub-section (2), in item [c], after the word "Council", the words "Human Rights", shall be inserted.

3. Any society registered under the Principal Act by the name containing the words "Human Rights", shall, within six months from the date of commencement of this Act, by special resolution and with the approval in writing of the Registrar, change the name of the society by deleting the words "Human Rights".

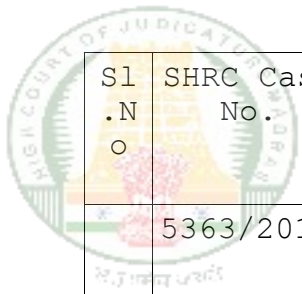
6. The Tamil Nadu State Human Rights Commission itself has lodged complaints against several Organizations, details of which are as follows:-

Sl. No.	SHRC Case No.	Name of the Complainant	Complaint Against	Name of the Organization	Nature of Order
1.	4936/2014	Manjula	V.Sathish Kumar, Officer Investigation	Human Rights State Commission, Chennai, 20.	Forward to IGP, CBCID, Madurai.
2.	5297/2014	-	V.R.Shiva, District Organizer, Trichy, President Dr.S.Suresh Kannan	Human Rights Organization, Egmore, Chennai - 8.	Forward to ADGP, CBCID, Chennai.
3	6630/2013	Revathi	D.Allwin Rodrigo, State Vice President Investigation	Indian Human Rights & Vigilance Organization, Chennai & Thoothukudi	Forward to ADGP, CBCID, Chennai.
4	6631/2013	M.Kanagara j	D.Allwin Rodrigo, State Vice President Investigation	Indian Human Rights & Vigilance Organization, Chennai & Thoothukudi	Forward to ADGP, CBCID, Chennai.
5	9074/2013	-	President	International Human Rights Protection Council, Kanyakumari	1.Furnish the copy of the registration certificate of the society. 2 Collector, Kanyakumari.
	5528/2012	-	R.Saravanan	Human Rights Committee, Egmore, Chennai - 8.	Forward to ADGP, CBCID, Chennai.



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Sl No.	SHRC Case No.	Name of the Complainant	Complaint Against	Name of the Organization	Nature of Order
7	5531/2012	-	N.S.Subramaniyan, Founder & State President	People Rights & Consumer Protection Society, Villupuram	Forward to ADGP, CBCID, Chennai.
8	6505/2012	A.V.G.Hari haran	Dr.S.Suresh Kannan, President	Human Rights Organization, Egmore, Chennai 8	Forward to ADGP, CBCID, Chennai.
9	8073/2012	The Residence of Sornambiga i Street, Chennai 24.	G.Rajendran, Secretary	Then Indhiya Manidha Urimai Padhukappu Kazhagam, T.Nagar Wing, Chennai.	Forward to ADGP, CBCID, Chennai.
10	8331/2012	S.Selvi	Yogaraj & Nadesa Adhiththan	Manidha Urimai Padhukappu Amaippu	Forward to ADGP, CBCID, Chennai.
11	9322/2012	-	R.Saravanan	Human Rights Committee, Egmore, Chennai 8.	Forward to ADGP, CBCID, Chennai.
12	9458/2012	R.Raja Gandhi	Dr.S.Suresh Kannan, President.	Human Rights organization	Forward to ADGP, CBCID, Chennai.
13	6090/2012	-	P.Selvamani, District Organiser & President	All India Human Rights Protection Organization, Thanjavur.	Forward to ADGP, CBCID, Chennai.
14	2867/2013	-	Dr.H.N.Sharma, Chief Patron	International Human Rights Organization Youth Development Council, Coimbatore.	Forward to ADGP, CBCID, Chennai.



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Sl .N o	SHRC Case No.	Name of the Complainant	Complaint Against	Name of the Organization	Nature of Order
15	5363/2013	-	P.Selvamani, District Organizer & President	All India Human Rights Protection Organization, Thanjavur.	1.ADGP, CBCID, Chennai. [Action taken report within 8 weeks]. 2.The Registrar of Co-operative Society, Chennai 10. 3.Principal Secretary to Government Co- operation Food & Consumer Protection Dept, Chennai 9.
16	667/2015	-	P.Manogaran, Director	Environmental People Rights & Consumer Portection Society, Villupuram.	-

7. All these measures did not deter the petitioners herein from closing down their shops and they were continuing to carry on with their activities with impunity under the very nose of the police, perhaps with their blessings.

8. The fortune of the spurious ran into rough weather, when one J.Suyambulingam filed CrI.OP[MD].No.15960 of 2014, before this Court for a direction to the respondent police therein to register the complaint given by him against an organization, bearing the name, "Manitha Urimai Kazhagam", [Human Rights Organization], run by one G.Wilson, K.Mohideen Pitchai, G.Madasamy and Sorimuthu. It was alleged by the petitioner therein that he is the Secretary of an Educational Institution, which runs a Primary School in Tirunelveli District, where one Arunodhaya Selvi was appointed as Secondary Grade Teacher. A dispute arose between the management and the said Arunodhaya Selvi, on account of which certain litigations are pending between them. While so, it is alleged by the said J.Suyambulingam that the aforesaid four persons claiming to be representing Manitha Urimai Kazhagam started interfering into the dispute between the management of the school and the said Arunodhaya Selvi, by physically preventing the school bus from moving out of the school. This Court took serious note of the allegations made in CrI.OP[MD].No.15960 of 2014, and on 1.12.2014, passed the following order, directing the police to file a report detailing:-



"(i). How many organizations are functioning through out India and in the State or Tamil Nadu, under the name "Human Rights Organization"?.

(ii). What are the activities carried out by such organizations?.

(iii). Whether it is a fact that these organizations are conducting "Kangaroo Courts"?, to settle disputes and extracting money from the public?.

(iv). Whether anti social elements have also started functioning in the name of "Human Rights Organization".

(v). Whether the use of Former Judges' names and Bureaucrats' names by these organizations, is with their consent or not?."

9. Mr.Veera Kathiravan, learned counsel, who had filed the aforesaid Crl.OP[MD].No.15960 of 2014, on behalf of the said J.Suyambuligam, placed the following submissions before this Court:- i). These organizations cannot use the expression, "Human Rights" in violation of the Circulars issued by the National Human Rights Commission and the State Human Rights Commission.

ii). A very bad picture is being projected by such organizations to the Western World as if human rights violations are rampant in India and the State Apparatus is unable to tackle the same and that these organizations are protecting the rights of the affected. By making such false claims, these organizations are getting funds from abroad and these funds are being diverted for subversive activities and all that requires a thorough investigation.

iii). The propounders of such organizations frequently include the names of eminent personalities and claim to have them as patrons and misuse their names.

iv). They conduct Kangaroo Courts by issuing notices in their letter heads to various persons, asking them to appear before them and the common man, believing that he has received summons from the State Authority, appears before such impostors, where they are intimidated and fleeced of their money.

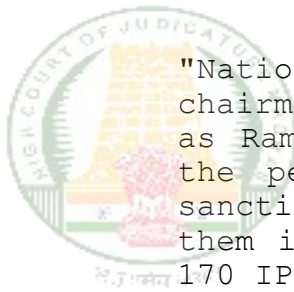
10. In the aforesaid background, it may be necessary to examine the allegations made against each of the petitioners herein.

11. Crl.OP[MD].No.3741 of 2015:-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 170 of the Indian Penal Code, in Crime No.107 of 2015 on the file of the respondent police, seek anticipatory bail.

12. The Inspector of Police has filed a status report, dated 17.03.2015, in which in Paragraph Nos.2 and 3, it is stated as follows:-

"I respectfully submit that on 24.02.2015, at 21.00 hrs, while I was on rounds, along with HC 3448 Tr.Pandi and HC 3449 ~~Thirupparankundram~~ ~~Police Station~~ ~~attached to~~ ~~Thirupparankundram~~ ~~Police Station~~, the flex board was found erected at Door No.13B/1 in Periya Ratha Veethi at Thirupparankundram bearing the name of



"National Human Rights Organization" and its so-called chairman was mentioned as Ganapathy Subramanian and Secretary as Ramakrishnan. In the investigation, it is ascertained that the persons are running the above organization without any sanction of law. Therefore, I have registered the case against them in Thirupparankundram Police Station in Cr.No.107/15, U/S 170 IPC at 22.00 hrs on 24.02.2015.

Further, I submit that the above flex board has been photographed. The two pamphlets containing the name of 'National Human Rights Organization' published by the accused were seized from the witnesses Tr.Kaleeswaran, aged 28, S/o.Duraisingam No.12, Rajeev Ganthi Nagar, Thirupparankundram, Madurai and Tr.Murugan, aged 44 S/o.Subbiah, No.10, Periya Radha Veethi, Thirupparankundram, Madurai under attestation.

I respectfully submit that the present case is under investigation. The accused are absconding and some other documents relating to this case are to be seized from the accused."

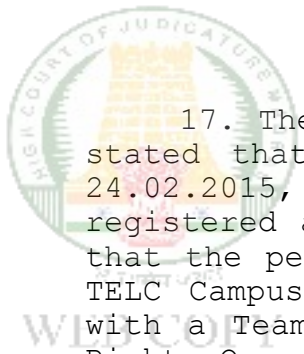
13. The learned counsel for the petitioners submitted that the petitioners had registered their organization as a Society way back on 15.03.2009, which was much before the amendment to Tamil Nadu Societies Registration Act, 1975, by Amendment Act 2 of 2010 and therefore, the petitioners cannot be prosecuted for the alleged offences.

14. I am unable to persuade myself to agree with the said submission made by the learned counsel for the petitioners, because Amendment Act 2 of 2010 very clearly states that if any society has been registered prior to the coming into force of the amendment Act, it shall, "within six months from the date of commencement of the Act, by special resolution and with the approval in writing of the Registrar, change the name of the society by deleting the words "Human Rights"."

15. Even according to the petitioners, they are Advocates and therefore, they cannot plead ignorance and they ought to have changed the name of the organization, as directed by the Legislature, but, they miserably failed to do so and they were continuing with their activities under the name of Human Rights and Consumer Rights Commission. Yet another factor to be seen is that under the Tamil Nadu Societies Registration Act, 1975, every year, the governing body of the society should file annual returns before the Registrar of Societies. Had these petitioners filed annual returns after 2010, as required by the Act, the Registrar would not have received the same, without making the change in the name of the society, as mandated by Amendment Act 2 of 2010. This also clearly demonstrates that these petitioners have merely floated an organization and in the cover of the organization, they have been carrying on with their activities, which requires to be investigated thoroughly to find out their source of funds and other details. Under such circumstances, this Court is not inclined to grant Anticipatory Bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

16.Crl.OP[MD].No.3755 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.245 of 2015 on the file of the respondent police, seeks anticipatory bail.



17. The respondent police have filed a status report, in which it is stated that based on the complaint given by one Alzhagu Pandian, on 24.02.2015, the aforesaid case in Crime No.245 of 2015 has been registered against the petitioner herein. It is alleged in the complaint that the petitioner is running Human Rights Organization in Mengles Road TELC Campus and therefore, the Investigating Officer went to the place with a Team of Officers and found a Board, containing the words "Human Rights Organization" in the said address.

18. The learned counsel for the petitioner submitted that the petitioner is running a registered organization, under the Trade Unions Act and not as a society. He also submitted that the petitioner was actively involved in eye donation camp and even the *de facto* complainant has given a certificate to the petitioner appreciating his activities. The police, in the status report, have further stated that this petitioner is involved in a murder case in Crime No.777 of 2007, which was taken on file in S.C.No.36 of 2009, on the file of the Court of District and Sessions Judge, Theni.

19. Taking into consideration of the above, this Court is of the view that the custodial interrogation of the petitioner is necessary to find out the money trail and other activities and therefore, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

20. CrI.OP[MD].No.3784 of 2015:-

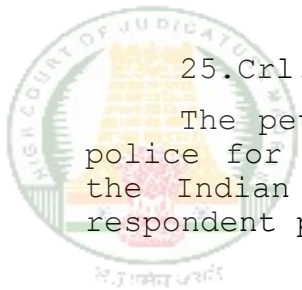
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 170 of the Indian Penal Code, in Crime No.105 of 2015, on the file of the respondent police, seeks anticipatory bail.

21. The respondent police have filed a status report. The *de facto* complainant, in this case, is the Inspector of Police himself, who has stated in the complaint that during the course of surveillance, he found the petitioner running an organization in the name of Human Rights Organization, an International Organization in Karaikudi.

22. The learned counsel for the petitioner submitted that the petitioner's organization was registered only as a trust and there is no complaint against the petitioner from anyone.

23. On a perusal of the case diary, it is seen that one Suresh Kumar has registered the organization as "Human Rights Organization Trust, but in the public display board, the organization shown as "Human Rights Organization", [An International Organization]. It is also seen from the case diary and the material collected by the police that the petitioner is claiming that his organization is affiliated to the United Nations Human Rights Commission.

24. This is, indeed, a very serious claim and requires a detailed probe. Hence, custodial interrogation of the petitioner is very much necessary in order to unearth the activities of the organization and hence, this Criminal Original Petition is dismissed.



25.Crl.OP[MD].No.3856 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code, in Crime No.129 of 2015 on the file of the respondent police, seeks anticipatory bail.

26. The respondent police have filed a status report. This case has been registered on a complaint given by one R.Balu, in which it is stated that this petitioner was distributing pamphlets and demanding donations in the name of India Manitha Urimagal Kankanippagam.

27. The learned counsel for the petitioner submitted that the petitioner is the founder of the organization and that he has registered it not as a 'society', but as a 'trust' and the Registration Number is given as "11 of 2010". The learned counsel further submitted that the object of the trust is to give awareness of legal rights and provide legal assistance to the downtrodden people.

28. This Court called for the case diary and found that the police have collected some donation receipts, in which the following words are found, "Govt.Reg.11/2010." From this, it is obvious that the petitioner is making the common man to believe that the Government has registered and recognized his organization and based on the same, he has been demanding donations. The circulars of the National Human Rights Commission, cited above, clearly says that even a trust cannot be registered, bearing the words 'Human Rights'. In the letter pad of the organization, a picture of a policeman holding lathi against a person is printed and HRW Regd.11/10 is found. Under such circumstances, this Court finds that this is not a fit case to grant Anticipatory Bail to the petitioner. Hence, the Criminal Original Petition is dismissed.

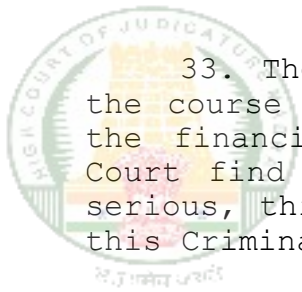
29. Crl.OP[MD].No.3922 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.80 of 2015, on the file of the respondent police, seeks anticipatory bail.

30. The *de facto* complainant, in this case, is the Village Administrative Officer, who has lodged a complaint, on 20.08.2014, against the petitioner herein, who runs an organization in the name of Manitha Urimai Kazhagam.

31. The learned counsel for the petitioner submitted that the petitioner was appointed by one Dr.S.Suresh Kannan as a representative of the said organization in the area concerned for the purpose of political work.

32. The respondent police have filed a status report, in which it is stated that the Village Administrative Officer found a Board, bearing the words, "Manitha Urimai Kazhagam" fixed in the residence of this petitioner and that the petitioner has no authority to carry on such activities. It is seen from the stationary of Manitha Urimai Kazhagam that names of several Judges of the Supreme Court of India have been shown as patrons of the organization.



33. The investigation is only at the preliminary stage and only in the course of further investigation, the police will come to know about the financial and other details of the petitioner herein. Since this Court find that the allegations against the petitioner herein are very serious, this is not a fit case to grant Anticipatory Bail to him. Hence, this Criminal Original Petition is dismissed.

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34. Cr1.OP[MD].No.3986 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.79 of 2015 on the file of the respondent police, seeks anticipatory bail.

35. This case has been registered against an organization run by the petitioner in the name and style "National Human Rights Committee".

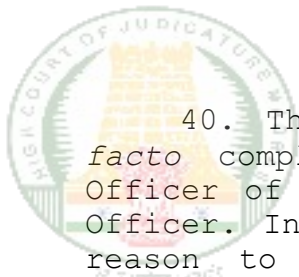
36. The learned counsel for the petitioner submitted that the petitioner has registered the organization as a Trust on 17.02.2009 and he has not violated any law. He also contended that the petitioner has been doing lot of social services and produced the account details.

37. On a perusal of the trust deed, it is seen that the petitioner has registered a public charitable trust in the name of National Human Rights Committee Trust, on 24.02.2009. On a perusal of the photograph of the Board and the accounts submitted by the petitioner, it is seen that the petitioner has deleted the expression 'Trust' and has referred to his organization as "National Human Rights Committee". This, definitely, would make anyone believe that this organization is akin to the National Human Rights Commission, because very few people will be able to discern between the words 'Commission' and 'Committee'. The circular issued by the National Human Rights Commission very clearly states that a Trust in such a name cannot be registered, despite which the petitioner has been carrying on with his activities by making people believe that his organization has statutory backing. On the face of it, there appears to be deception and therefore, this is not a fit case to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

38. Cr1.OP[MD].No.3997 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 3 of the Tamil Nadu Societies Registration Act, 1975, Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.81 of 2015 on the file of the respondent police, seeks anticipatory bail.

39. The respondent police have filed a status report, in which it is stated that on a complaint given by the Village Administrative Officer, in-charge of Silukkuvarpatti Panchayat, the aforesaid case was registered against the petitioner for running an organization in the name of International Human Rights Organization in Nilakottai.



40. The learned counsel for the petitioner submitted that the *de facto* complainant, in this case, is not the Village Administrative Officer of his village, but he is only in-charge Village Administrative Officer. In the considered opinion of this Court, that cannot be a good reason to dismiss the complaint on the ground that the *de facto* complainant is not a whole time Village Administrative Officer of the said village. This Court called for the case diary and on perusal, it is seen that about 20 persons have signed and given complaint against this petitioner, in which they have stated that this petitioner, claiming to be the organizing Secretary of Human Rights Organization, has been interfering with the domestic affairs of the village and has been stoking communal rift amongst the villagers. Even in Paragraph No.5 of the status report, the respondent police have stated that one Murugan and 20 other villagers of Silukkuvarpatti lodged a complaint against the petitioner stating that he frequently interfered into the their affairs and is conducting Kangaroo Courts for extorting money from them.

41. Taking into consideration the serious allegations against the petitioner, this Court is not inclined to grant Anticipatory Bail to him. Hence, this Criminal Original Petition is dismissed.

42. CrI.OP[MD].No.4014 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of the Indian Penal Code, in Crime No.151 of 2015 on the file of the respondent police, seeks anticipatory bail.

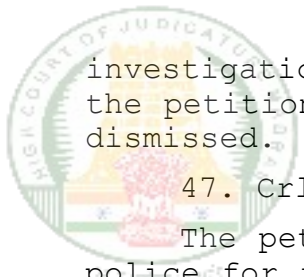
43. The respondent police have filed a status report, in which it is stated that on 28.02.2015, at 13.45 hours, one E.Kumar lodged a complaint against this petitioner stating that this petitioner is running an Office, in the name and style "Human Rights Protection Commission in CSI Church Street, Beach Road, Nagercoil.

44. The learned counsel for the petitioner submitted that the petitioner has registered the organization as "Human Rights Federation Trust" and not as a society. Even according to the circular issued by the National Human Rights Commission, as stated above, even a trust in such a name cannot be registered. The *de facto* complainant, in this case, is an Advocate, who has stated in his complaint, that this petitioner is running an Office and he has been cheating the people under the banner of such an organization.

45. The learned counsel for the petitioner submitted that the offence, under the provisions of Emblems and Names [Prevention of Improper Use] Act, 1950 is a bailable offence. This Court notes that apart from the offence under the said Act, the petitioner is also charged for the offence under Section 420 of the Indian Penal Code, which is non-bailable and the petitioner is making the common man believe that he is representing a statutory organization.

<https://hcservices.ecourts.gov.in/hcservices/>

46. In view of the serious nature of allegations made by the *de facto* complainant in his complaint, which requires a thorough



investigation, this Court is of the view that custodial interrogation of the petitioner is necessary and hence, this Criminal Original Petition is dismissed.

47. CrI.OP[MD].No.4024 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 170 of the Indian Penal Code and Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.204 of 2015 on the file of the respondent police, seeks anticipatory bail.

48. The respondent police have filed a status report, wherein it is stated that, based on a complaint given by one M.Annadurai, Special Sub Inspector of Police, Manapparai Police Station, this case has been registered. It is further stated in the status report that when the Special Sub Inspector of Police went on rounds, he found that this petitioner has placed a Digital Banner, which reads as "National Human Rights Commission" and hence, the Special Sub-Inspector of Police lodged the complaint.

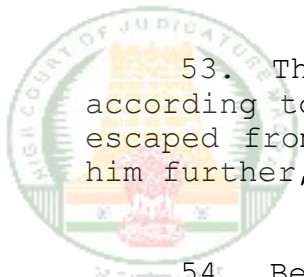
49. The learned counsel for the petitioner submitted that the petitioner's organization was registered as a Society in the year 2009 and only thereafter, the amendment to Tamil Nadu Societies Registration Act, 1975, came into force and therefore, the petitioner cannot be prosecuted for the alleged commission of offence under Section 170 of the Indian Penal Code and Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950.

50. A plain reading of Amendment Act 2 of 2010 makes it manifestly clear that if any society has been registered prior to the coming into force of the Act, it shall, within six months from the date of commencement of the Act, by special resolution and with the approval in writing of the Registrar, change the name of the society by deleting the words "Human Rights". Despite the time frame given by the Amendment Act, this petitioner has not complied with the same. In such circumstances, this Court finds that this is not a fit case to grant Anticipatory Bail to him. Hence, this Criminal Original Petition is dismissed.

51.CrI.OP[MD].No.4045 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 170 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.86 of 2015 on the file of the respondent police, seeks anticipatory bail.

52. This case has been registered on a complaint lodged by the Sub - Inspector of Police, on 25.02.2015. In his complaint, he has stated that he went to the premises of the petitioner situated in the second floor of A.M.Complex, where he found an office, on the wall of which, it was written as "Human Rights Organization". According to the respondent police, this petitioner is running an office in the said premises in the name and style "Human Rights Organization" with letter pads and visiting cards.



53. The learned counsel for the petitioner submitted that even according to the respondent police, the petitioner was present there, but escaped from the clutches of the police, when they started interrogating him further, which looks unbelievable.

54. Be that as it may, the fact remains that in the aforesaid premises, the petitioner is running a Human Rights Organization and thus, this Court is of the view that further investigation is required in order to find out the nature of the activities and the source of finance.

55. The learned counsel for the petitioner further submitted that the said organization was registered as a society in the year 2006 and thereafter, a special resolution has been passed to change its name.

56. The petitioner did not produce any record to show that the Registrar of Societies has accepted the change of name of the society, as contended now by the learned counsel for the petitioner. The petitioner has only produced a self-serving resolution, which will not be sufficient to hold that the Registrar of Societies has accepted the change of name. Under such circumstances, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

57. Cr1.OP[MD].No.4073 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.228 of 2015 on the file of the respondent police, seeks anticipatory bail.

58. The respondent police have filed a status report, wherein it is stated that this case has been registered on a complaint lodged by the Special Sub Inspector of Police, Gandhi Market on 26.02.2015. According to the *de facto* complainant, when he went on rounds, he found a Board of an Organization in front of Sri.Durga Complex.

59. The case of the prosecution is that the petitioner is running an Organization in the name of Global Human Rights Organization and Deccan Consumer Rights Protection Council, near Shri Durga Complex in Pallakarai Road, Tiruchy.

60. The learned counsel for the petitioner submitted that even in the status report filed by the respondent police, it is stated that there is no specific complaint and there is no criminal case pending against him. In view of the positive assertion given by the respondent police that there is no complaint against the petitioner and there is no criminal case pending against him, the learned counsel for the petitioner pleaded that the petitioner may be granted Anticipatory Bail.

<https://hcservices.courts.gov.in/hcservices/> The petitioner also produced a Booklet released by Mr.S.Thankakani, District and Sessions Judge, in which the social service activities of this petitioner/organization have been vividly given. The



learned counsel for the petitioner submitted that the petitioner organization is only a trust and not a society.

62. The circulars of the National Human Rights Commission, cited above, clearly say that even a trust cannot be registered, bearing the words 'Human Rights'. That apart, on a perusal of the Booklet given by the petitioner, it is seen that it was published in the year 2010 and in the cover of the Booklet, it is stated as if it was released by the District Legal Services Authority. On a close reading of the Booklet, it is seen that the rest of the material contents have been given by various individuals, felicitating the petitioner. On enquiry made by this Court, it appears that the Booklet has not been printed by the Trichy District Legal Services Authority, but by the petitioner himself. Thus, the petitioner has blatantly misused the name of the District Judiciary.

63. Mr.Veera Kathiravan, learned counsel appearing for the intervener submitted that it is a practice of such persons to take photographs with eminent personalities and use such photographs for their personal gains.

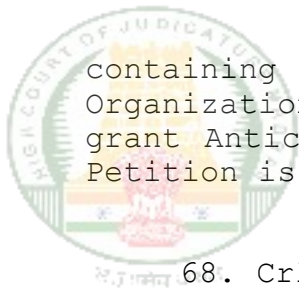
64. Be that as it may, the fact remains that the petitioner is running an organization against the directives issued by the National Human Rights Commission and therefore, further investigation is required to find out the source of income and the actual nature of activities, for which custodial interrogation of this petitioner is necessary. Under such circumstances, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

65.Crl.OP[MD].No.4323 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 170 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.51 of 2015 on the file of the respondent police, seeks anticipatory bail.

66. This case has been registered based on the complaint preferred by one Muthu, the Sub-Inspector of Police, Ponnamaravathy Police Station, on 25.02.2015. The case of the prosecution is that this petitioner is running an organization in the name of Human Rights Organization in Ponnamaravathy, Pudukkottai District.

67. The respondent police have filed a status report, in which in Paragraph No.6, it is stated that one Lakshmanan, Secretary of V.V.Higher Secondary School has lodged a complaint against this petitioner alleging that this petitioner has been creating problems in the appointment of School Committee Members and in this regard, an enquiry was also conducted by the Chief Educational Officer concerned, wherein they agreed to resolve the dispute amongst themselves, on account of which the petition was closed. This clearly shows that this petitioner, under the garb of Human Rights Activist, has been, unnecessarily, interfering into the affairs of individuals and creating problems. The petitioner has no authority to run the Human Rights Organization in the teeth of the services provided by the National Human Rights Commission and the State Human Rights Commission. This Court called for the case diary and found that the petitioner has created an identity card, bearing a logo



containing the map of India as if it was issued by the Human Rights Organization. Under such circumstances, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

68. CrI.OP[MD].No.4383 of 2015:-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.111 of 2015 on the file of the respondent police, seeks anticipatory bail.

69. This case has been registered on a complaint lodged by the Sub-Inspector of Police, Devathanapatti Police Station. In the said complaint, it is stated that this petitioner is running an organization in the name of Indian Human Rights Movement and with the identity card of the said organization, he has been cheating the public.

70. The learned counsel for the petitioner submitted that the case against Human Rights Organization was initiated on the complaint given by one R.Alagupandian before the State Human Rights Commission in SHRC.No.5609 of 2012 and that this petitioner is an associate with the said R.Alagupandian and both of them, have conducted several Eye Donation Camps. The learned counsel for the petitioner also produced certain materials to show that the petitioner was involved in such activities. The learned counsel for the petitioner further submitted that the said R.Alagupandian himself has given a petition, dated 02.03.2015, to the District Superintendent of Police, in which he has stated that this petitioner is innocent and that he was actively involved in Eye Donation Camps.

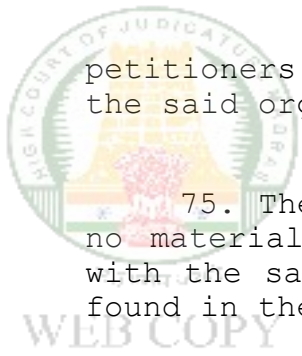
71. At the beginning, this Court was little convinced about the case of this petitioner, but, when the case diary was called and perused, this Court found that one Gunasekaran has lodged a complaint on 13.03.2015 against this petitioner, in which it is stated that this petitioner claiming himself to be a member of Human Rights Organization, had cheated him to a tune of Rs.8,50,000/-.

72. In the light of such allegations against this petitioner, even though his mentor, Alagupandian, has given a clean chit, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

73.CrI.OP[MD].No.4440 of 2015:-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 170 and 420 of the Indian Penal Code and Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950, in Crime No.113 of 2015 on the file of the respondent police, seek anticipatory bail.

74. This case has been registered on a complaint lodged by the Sub-Inspector of Police, Karur Town Police Station, who found one Flex Board, containing the words "Human Rights Federation" at Door No.3, Railway Junction, Flower Market Road, Karur District. He came to know that the



petitioners herein are the President, Secretary and Joint Secretary of the said organization.

75. The learned counsel for the petitioners submitted that there are no material collected by the respondent police to link the petitioners with the said organization and that the names of the petitioners are not found in the Board.

76. The learned Government Advocate [Criminal Side], on instructions from the respondent police, submitted a photograph showing the premises, in which the board, Human Rights Federation, has been kept. In the said Board, there are two mobile numbers, which belong to the petitioners. That apart, in the photograph, a poster, containing the photo of Mr.R.Vijayabose is also found on the wall of the premises. The said R.Vijayabose is an accused in Crime No.151 of 2015 and he has filed CrI.OP[MD].No.4014 of 2015 before this Court seeking Anticipatory Bail. This shows that these petitioners are working along with the said R.Vijayabose and projecting themselves as Human Rights Activists. Hence, this is not a fit case to grant Anticipatory Bail to the petitioner.

77. The learned counsel for the petitioners submitted that the Principal Bench of this Court in a similar case in CrI.OP.No.5853 of 2015, dated 09.03.2015, had granted Anticipatory Bail to the accused involved in similar offences. This Court perused the said order, wherein, it is stated as follows:-

"2. Offences alleged are under Sections 170, 420 IPC r/w Section 5 of the Emblems and Names [Prevention of Improper Use] Act, 1950 in Crime No.74 of 2015.

3. Heard both sides.

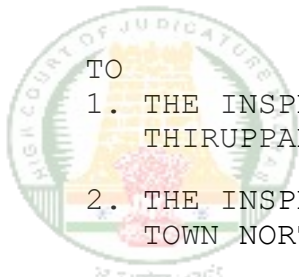
4. Petitioner is alleged to have posed himself as Vice President of Human Rights Association and a board containing Human Rights Emblem.

5. Considering the above aspects and the nature of the allegations made, I am inclined to grant him anticipatory bail."

78. From the above, it appears that in the said case, even the police have not filed any counter or raised any serious objections and there is no any discussion relating to the initiation of action against such organizations throughout the State. Further, the order is bereft of reasons and hence, I am unable to persuade myself to follow the said order.

79. Taking into consideration of the overall facts and circumstances of the case, this Court is of the view that the custodial interrogation of the petitioners is necessary to find out the true nature of the activities and therefore, this Court is not inclined to grant Anticipatory Bail to the petitioner. Hence, these Criminal Original Petition are dismissed.

sd/-
26/03/2015



TO

1. THE INSPECTOR OF POLICE, THIRUPPARANKUNDRAM POLICE STATION,
THIRUPPARANKUNDRAM, MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
NORTH POLICE STATION, KARAIKUDI, SIVAGANGAI DISTRICT.
4. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, PATTUKKOTTAI, THANJAVUR DISTRICT.
5. THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION, KANYAKUMARI DISTRICT.
6. THE INSPECTOR OF POLICE, PETTAI POLICE STATION, TIRUNELVELI.
7. THE SUB INSPECTOR OF POLICE,
NILAKKOTTAI POLICE STATION, DINDIGUL DISTRICT.
8. THE INSPECTOR OF POLICE, KOTTAR POLICE STATION,
NAGERKOIL TOWN, NAGERCOIL, KANYAKUMARI DISTRICT.
9. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, MANAPPARAI, TRICHY DISTRICT.
10. THE INSPECTOR OF POLICE, TOWN POLICE STATION, PUDUKOTTAI & DISTRICT.
11. THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION, TRICHY DISTRICT.
12. THE INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION, PUDUKOTTAI DISTRICT.
13. THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION, THENI DISTRICT.
14. THE SUB INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.
15. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CCS TO M/S.K.GOKUL ADVOCATE SR.NO. 15711
+1CC TO M/S.K.R.SINGARAVADIVEL, ADVOCATE IN SR : 14751
+1CC TO MR.K.APPADURAI, ADVOCATE IN SR : 15212
+1CC TO MR.V.KARUNA, ADVOCATE IN SR : 15093
+1CC TO MR.R.R.KANNAN, ADVOCATE IN SR : 14923
+1CC TO MR.M.KARTHIKEYA VENKITACHALAPATHY, ADVOCATE IN SR : 14803
+1CC TO MR.VEERAKATHIRAVAN, ADVOCATE IN SR : 14735
+2ccs to M/S.M.BENAZIR BEGUM, ADVOCATE IN SR : 14763

SR : 31.03.2015 : 19P/26C

ORDER IN
Cr1.O.P.(MD)Nos.3741, 3755, 3784, 3856,
3922, 3986, 3997, 4014, 4024, 4045,
4073, 4323, 4383 and 4440 of 2015
Date :26/03/2015