



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Twelfth day of May Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10887 of 2022

1 V.KRISHNAMOORTHY  
FOUNDER AND MANAGING  
TRUSTEE OF SRI MATHA TRUST,

[ PETITIONERS / ACCUSED ]

2 RAJA K MURTHY  
3 AKASHRAM  
4 K JAYARAMAN

Vs

STATE BY  
INSPECTOR OF POLICE (CRIME),  
J-2 ADYAR POLICE STATION,  
ADYAR, CHENNAI - 600 020  
CRIME NO.91/2022

[ RESPONDENT ]

For Petitioner : M/S.REVATHI G.MOHAN Advocate

For Respondent : MR. S.UDHYAKUMAR, Govt. Advocate (Crl. Side)

For Intervenor : M/S S.SELVATHIRUMURUGAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 406 & 420 of IPC in Crime No.91 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are Managing Trustees of Sri Matha Trust, who are doing yeoman service for cancer patients. Out of donations given by the public, they obtained a land and created the Trust and that the defacto complainant is one of the donors of the Trust and she has contributed a sum of Rs.5,000/- and the same has been mis-appropriated by the petitioners. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the defacto complainant had voluntarily come forward and contributed a sum of Rs.5,000/- and the same has been returned to her by the Trustee. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that except the allegation made in the complaint, there are so many allegations with regard to the functioning of the Trust. He further submitted that the petitioners, being the Founder and Managing Trustee of the Sri Matha Trust, are involved in maladministration.

5.The Intervening Petition in Crl.M.P.No.6387 of 2022 has been filed by the defacto complainant/intervenor to permit her to intervene in the matter. This Court heard the submissions of the learned counsel for the intervenor. However, in view of the fact that this Court is inclined to grant anticipatory bail to the petitioners, taking into consideration the facts and circumstances of the case, the Intervening Petition in Crl.M.P.No.6387 of 2022 is rejected.

6.A perusal of the records would show that the contribution of Rs.5,000/- has been returned by the Trust and the same has also been acknowledged by the defacto complainant. Apart from this, there are so many allegations with regard to the functioning of the Trust. In this regard, the parties can approach the Civil Court for framing the scheme. So far as this criminal case is concerned, the offences are only relating to Sections 406 and 420 of I.P.C.

7.Considering the facts and circumstances of the case and also taking note of the fact that the contribution of Rs.5,000/- has been returned by the Trust and the same has also been acknowledged by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned IX Metropolitan Magistrate, Saidapet on condition that each the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent Police as and when required for interrogation;

(d) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 IX METROPOLITAN MAGISTRATE,  
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
J-2 ADYAR POLICE STATION,  
ADYAR, CHENNAI - 600 020

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

CC to M/S.REVATHI G.MOHAN Advocate on payment of necessary charges Sr.7052

CRL OP.10887/2022

Date :12/05/2022

RVR 16/05/2022