



Crl.O.P.Nos.2694 & 2695 of 2023

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**T.V.THAMILSELVI, J.**

Today, the matter is listed under the caption "for being mentioned".

2. It is brought to the notice of this Court that some typographical error has been crept in para Nos.4 & 8(b) of the order dated 01.03.2023.

The name of the trust mentioned in Paragraph No.4 is replaced as follows:

“4.....another Trust in the name of the  
Salvation Mission Partaker **Charity**  
Movement(SMPM) by executing trust deed .....”

3. The condition imposed in 8(b) shall read as follows;

"8. [b] the petitioners already cancelled the Trust dated 01.03.2022, and the affidavit dated 13.02.2023 filed by the petitioners shall form part of the order. Further, the petitioners shall report before the respondent police as and when required for interrogation."

4. The time for surrender is extended for a further period of two weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted.



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**T.V.THAMILSELVI, J.**

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4. Registry is directed to carry out necessary correction in the Order dated 01.03.2023 and issue fresh order copy.

**28.03.2023**

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The petitioners, who apprehend arrest for the alleged offence under Sections 420, 468 and 506(2) of IPC in crime No. 467 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.08.2022, a complaint was registered on the basis of the information received from the defacto complainant, who is a Founder and Chief Trustee of the Salvation Mission Partaker Movement (SMPM), which is a Non-Profitable organisation registered vide Doc.No.200/2019 on the file of Sub Registrar, Selaiyur, that was received for the purpose of religious works. As per Clause 7 of the Trust Deed, the Chief trustee and treasures are competent to operate the Bank accounts of the Trust. There were few complaints that the funds are not accounted and that there are some discrepancies in accounting the donation funds. Therefore, an internal auditing was conducted vide Board Resolution dated 21.08.2021. Based on the Audit report dated 30.04.2022, it



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is reported that Mr.Koilraj/A1, General Secretary of the Trust, who was entrusted with the administration has received funds in his own personal accounts with the help of few ex and present members of the trust. The first accused/Koilraj has issued also illegally issued payment receipts and swindled funds of several lakh rupees. Therefore, first accused/Koilraj was asked submit the Bank Accounts, but he refused to produce the bank statements and received funds in his accounts from the donors. The petitioners, who are the present trustee are alleged to have misappropriated the funds of the trust and has used it for their own and family members. The petitioners along with A1 have also formed a new trust in a similar to the name of the old trust and has been receiving funds in the first accused/A1 personal bank account.

3. Heard the learned counsel for the petitioner and the learned Counsel for the intervenor.

4. The learned counsel for the intervenor submitted that on 08.11.2019 the petitioner was added as one of the Trustee in Salvation



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Mission Partaker Movement ( herein after referred to as the "SMPM") thereafter the petitioners colluded with another accused persons formed another Trust in the name of the Salvation Mission Partaker Movement(SMPM) by executing trust deed dated 01.03.2022 in the same name of the present Trust(SMPM) and also executed supplementary deed on 25.05.2022 and collected funds in the name of the above Trust and utilized the said fund for their own sake. The learned counsel for the petitioners submitted that as per the instruction of this Court, without prejudice his rights, as per resolution dated 11.02.2023 Trustees were resolved to wind up and dissolve the affairs of the the Trust in the name of the SMPM to that effect the petitioners filed affidavit and also going to cancel all Trust deed before the registering authorities within four weeks. Further, the learned counsel for the petitioners submitted that first accused has not misappropriated the fund of the Trust/SMPM whatever amount he collected from the depositors was transferred to the account of the Trust of SMPM. But he was falsely implicated in this case. The learned counsel for the intervenor submitted that first accused created another Trust in the name of the same old Trust SMPM in order to collect amount from the depositors for



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his personal use. Apart from that, another supplementary deed was created in the Trust name. Hence he prays to dismiss the petition.

5. The learned counsel for the petitioners submitted that funds collected by the petitioner was already transferred to SMPM Trust and the first accused also a member of the said SMPM Trust as per Trust deed dated 08.11.2019. The learned counsel for the intervenor submitted that in order to collect funds from the people the petitioners started Trust in the name of SMPM on 01.03.2022 and also registered supplementary deed dated 25.05.2022. By way of reply the learned counsel for the petitioners submitted that as per the instruction of this Court, without prejudice his rights, as per resolution dated 11.02.2023 Trustees were resolved to wind up and dissolve the affairs of the the Trust in the name of the SMPM to that effect the petitioners filed affidavit and also going to cancel the other deeds within four weeks.

6.The affidavit filed by the petitioner is recorded. Furthermore, on seeing the fact it reveals that on 25.05.2022 there is supplementary deed



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of SMPM was registered in which accused petitioners along with other Trustees were signed. Subsequently, another deed was registered on 14.07.2022 with trustees of the old Trust in order to run the Trust. So far, there is no supplementary deed of Trust was executed between the trustees along with this accused/petitioners. Now the execution of the supplementary deed of SMPM is under the dispute between the parties. Hence both the parties are directed not to implement supplementary deeds dated 25.05.2022, 14.07.2022 till the issue solved between the parties. Further both the parties are directed to continue the Trust affairs as per original deed dated 08.11.2019 in accordance with law. Trust deed dated 01.03.2022 is ordered to be canceled as per manner know to law within four weeks from the date of receipt of a copy of this order. Further the respondent police is directed to defreeze the old Trust account in order to run the Trust smoothly.

7. Considering the above, 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 his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before the **learned Judicial Magistrate -I, Tambaram**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties ( one must be a blood surety) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall cancel the Trust dated 01.03.2022 and supplementary deed dated 25.05.2022 within a period of four weeks from the date of receipt of a copy of this order. Further, the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**01.03.2023**

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**T.V.THAMILSELVI, J.**

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To

- 1.The Manager,  
ICICI Bank,  
Agaram Branch,  
Chennai – 126.
- 2.The District Registrar,  
Registration Department,  
Chennai South.

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**01.03.2023**