



Crl.O.P.No.28276 of 2023

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WEB COPY **C.V.KARTHIKEYAN,J.**

The petitioners/A1 to A3 have filed the present petition seeking anticipatory bail in Crime No.220 of 2023, registered for the offences under Sections 420, 465, 467, 294(b) and 506(i) of IPC.

2.Pending this petition, the 3rd petitioner/A3 had been remanded to judicial custody and subsequently, had filed Crl.M.P.No.201 of 2024 before the Principal Sessions Judge, Krishnagiri, and by order dated 24.01.2024, the learned Principal Sessions Judge, Krishnagiri, had granted bail to the 3rd petitioner. In view of that particular fact, this petition is dismissed as against the 3rd petitioner.

3.It is the case of the prosecution that the defacto claimed that she was a partner of Green Valley School Trust which includes 19 members and administrators. It is stated that the Trust was registered in the year 2005. The members who had registered the Trust had invested equal amounts of money and had also taken a property on lease and also purchased land and are running a School called Green Valley School at



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Hosur at Krishnagiri. The husband of the defacto complainant, one Raja was acting as Correspondent of the School.

4.An intervening application has also been filed and the learned counsel for the intervenor had stated that so long as the husband of the defacto complainant was Correspondent, in which post he was functioning for a period of 17 years, there had been no allegations at all. But, later as among the trustees, there was a change in administration. It is the very specific allegation placed by the defacto complainant that the petitioners herein had created false documents as if a meeting was held on 25.10.2022, in which meeting, the 2nd petitioner herein had been appointed a Treasurer and the 3rd petitioner herein had been appointed as Correspondent. It is very specifically stated that while recording minutes of the said meeting, the signatures of the husband of the defacto complainant and another Trustee Elangoven had been forged. It had also been stated that there was also a signature appended of a Trustee who had died much earlier.

5.It is stated that the petitioners thereafter opened Bank



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accounts and operated them to detriment of the financial interest of the School and the Trust. It is also specifically stated that three buses which according to the learned Senior Counsel for the petitioners are running still on date, had been purchased without following due procedures. Four Bank accounts were also opened in HDFC Bank, Hosur Branch and loans were also obtained. It is thus alleged that there had been several financial mismanagement by the petitioners herein.

6.The intervenor had also filed his application and disputed the versions of innocence by the petitioners and claimed that the Court should not grant anticipatory bail.

7.The learned Government Advocate (Crl. Side) for the respondent also pointed out that the minutes of the meeting reflect that signatures had been forged and alleged that the meeting was never held and that there are allegation of financial mismanagement. These are the issues which will have to be examined during the course of trial. It is fervently hoped that there would be some meeting of mind among the members of the Trust, atleast for the benefit of the students who come to



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the School. The administrators must buy peace among themselves. But that apart, it is also alleged on behalf of the petitioners that there are CCTV footages to show the presence of the said Raja entering into the office and taking away certain documents from almirahs from the Trust Office. It is also conversely contended that the petitioners for good measures had tried to dismantle the CCTV and on that ground further CSR had been registered.

8.It is again hoped that there would be an end to this never ending issue of filing of complaints against each other by each faction. Be that as it may, leaving the burden on the prosecution to prove the case beyond reasonable doubt and also placing an onus on the defacto complainant to adduce credible evidence during the course of trial, anticipatory bail is granted subject to the following conditions:

9.Accordingly, the petitioner 1 and 2 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready,



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before the **Judicial Magistrate-I, Hosur**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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] each of the two petitioners, to show their bonafide, to deposit a sum of **Rs.3,00,000/-** each to the Credit of Crime No.220 of 2023 and on such deposit, the learned Judicial Magistrate I, Hosur, may transfer the said amount to the interest earning Fixed Deposit in any one of the Nationalised Banks and pass final orders on conclusion of trial.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[d] At the time of executing sureties, the petitioners may



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individually file affidavits that they would abide with law and not interfere with the smooth functioning of the School or threaten any of the witnesses of the prosecution.

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

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

[g] 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 have 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]**.

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

08.03.2024

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