

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19510 of 2020

1.Dhayanithi
2.Thiyagarajan

...Petitioners

Vs.

State rep. by Inspector of Police
Omerabad Police Station
Vellore District.
Crime No.1356 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1356 of 2020 pending on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor,

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 506(i) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.1356 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed money from the petitioners and he regularly paid interest. Due to lockdown, the defacto complainant is unable to pay the interest which is demanded by the petitioners. Since the defacto complainant has already paid double the borrowal amount, he demanded to return the promissory notes, cheques and documents. However, the petitioners refused to return the documents and also threatened him to do away. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are doing money lending business. On 27.06.2016, the defacto complainant

borrowed amount of Rs.70,000/- from the petitioners. Hence, in the month of June 2020, the petitioner contacted the defacto complainant by phone insisting him to pay interest. After lapse of three months, he preferred a complaint before the respondent police only on 22.11.2020 alleging that the petitioners threatened and also asked him to pay more interest. On receipt of his complaint, without conducting any enquiry they registered a case against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor would submit that the investigation is going on. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, as it is only a money dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Additional District Munsif cum Judicial Magistrate, Ambur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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:

[b] 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.

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

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

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

[f] 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].

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/01/2021

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 THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.19510/2020

Date :04/01/2021

cs 25/01/2021