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Crl.O.P.No.15554 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 386 of IPC r/w Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2013, r/w Section 294(b), 506(ii) IPC, in Crime No.1360 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that her husband had borrowed a sum of Rs.3,50,000/- from the petitioner and other persons and he was regularly paying the interest to the petitioner. Due to Corona pandemic situation, he was unable to repay the amount to the petitioner. Thereafter, the petitioner had come to her house and insister her husband to pay the principal as well as interest and abused him in filthy language and also threatened him in the presence of others. Due to this harassment, the defacto complainant's husband consumed acid and was admitted in the hospital. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the defacto complainant's husband borrowed money from the petitioner and agreed to repay the same with interest. He would further submit that the petitioner without prejudice to her contention has filed an affidavit before this Court wherein, she had given an undertaking that in the event of her being granted anticipatory bail, she will not insist for return of Rs.3,50,000/- given to the husband of the defacto complainant. He further submits that the petitioner has already been granted anticipatory bail by this Court in Crl.OP.No.14511 of 2020 dated 28.09.2020. However, due to Covid-19 pandemic situation, the petitioner could not able to comply the earlier order passed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the accused have lent money to the husband of the defacto complainant and during Covid-19 pandemic situation, he was unable to repay the interest. The injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and the affidavit of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.II, Thirupathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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



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

[d] the petitioner 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 petitioner 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.

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

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