



Crl.O.P.No.15671 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 Sections 294(b), 323, 341 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No. 96 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that, he had borrowed an amount of Rs.7,00,000/- from the accused, agreeing to pay an interest at the rate of 6% per month, during the year 2018. It is further alleged that the defacto complainant subscribed to chit scheme of Rs.5 lakhs run by the petitioner and from the chit auction, the defacto complainant obtained Rs.3,50,000/- and further the petitioner without giving the chit amount to the defacto complainant, he adjusted the said sum towards the principal amount borrowed by the defacto complainant for this, the defacto complainant has paid an amount of Rs.6,00,000/- to the petitioner and thereafter, the petitioner demanded to pay Rs.10 lakhs instead of Rs.1 lakh. It is also alleged that the defacto



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complainant refused to pay the money and hence the petitioner abused in filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that he is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed a sum of Rs.7,00,000/- from the petitioner and he has repaid the same to the petitioner and thereafter, he demanded a sum of Rs.10,00,000/-. After receipt of the complaint, the respondent has issued notice under Section 41 A of Cr.P.C and after seizure warrant went to the place of the accused, at that time, the respondent police seized number of documents from the petitioner's place and he is an habitual offender and therefore, he used to charge more interest from the accused. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Taking note of the facts and circumstances of the case and also the submissions of both side counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, **the petitioner is directed to handover the signed blank cheques, promissory notes, documents and other materials if any, to the defacto complainant, within a period of four weeks from the date on which the order copy is made ready**, and on such deposit, 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 No.I, Tindivanam, 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a



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copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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 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]**.

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

07.07.2022

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