



WEB COPY



Crl.O.P.No.16089 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC r/w Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.207 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1 Lakh from the petitioner for her urgent family expenses, for which the petitioner herein signed in a blank promissory note and non judicial papers. Later, the petitioner herein demanded principle with higher interest at the rate of 5% from the defacto complainant. 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. Therefore, he prays to grant anticipatory bail to the petitioner.



CrI.O.P.No.16089 of 2022

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed a sum of Rs.1 Lakh from the petitioner and the petitioner demanded higher interest at the rate of 5% from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 Judicial Magistrate Court II, Salem, 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



CrI.O.P.No.16089 of 2022

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 daily at 10.30 a.m., for a period of two 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 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]**.

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Crl.O.P.No.16089 of 2022

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

12.07.2022

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Crl.O.P.No.16089 of 2022