



CrI.O.P.No.16154 of 2022

CrI.O.P.No.16154 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of the TN Prohibition of Charging Exorbitant Interest Act, in Crime No. 145 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had borrowed a sum of Rs.15,000/- from the petitioner. While borrowing the loan, the defacto complainant had given two signed bond papers to the petitioner. Thereafter, the defacto complainant repaid the said amount with interest and the petitioner refused to return the signed bond papers to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed a sum of Rs.15,000/- and the same has



CrI.O.P.No.16154 of 2022

been repaid with interest by the defacto complainant. Thereafter, the petitioner demanded huge interest 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 directed to handover the document whatever he received from the defacto complainant, while giving the loan and on such return of documents, 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 is made ready, before the learned Judicial Magistrate No.IV, 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 shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and



CrI.O.P.No.16154 of 2022

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 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 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.

19.07.2022

Lpp

G.K.ILANTHIRAIYAN, J.

Lpp



WEB COPY



Crl.O.P.No.16154 of 2022

Crl.O.P.No. 16154 of 2022

19.07.2022