



CrI.O.P.No.16425 of 2022

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G.K.I LANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 506(ii) of IPC, in Crime No.534 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,00,000/- from the petitioners herein and also paid the money back with interest. Later, the petitioners herein demanded Rs.6,00,000/- from the defacto complainant and also threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are ready and willing to deposit the documents and pro-notes which have been executed at the time of execution of loan to the defacto



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complainant to the credit of Crime No.534 of 2022, without prejudice to their right of defence. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed a sum of Rs.1,00,000/- from the petitioners and also paid the amount back with interest and the petitioners demanded further money from the defacto complainant and also threatened her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are directed to deposit the pro-notes and other documents which have been executed by the defacto complainant, without prejudice to their right of defence, to the credit of



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Crime No.534 of 2022, within a period of two weeks from the date on which the order copy made ready and on such deposit 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 on which the order copy made ready, before the learned Judicial Magistrate IV at Salem, on condition that each of the petitioners 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 copy of their Aadhar card or Bank pass Book to ensure their identity.

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



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[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

15.07.2022

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