



Crl.O.P.No.17062 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i), 442 and 339 of IPC and Section 7 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.236 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a pawn broker shop. The defacto complainant had availed loan from the first petitioner for several times and also repaid the money. While so, the first petitioner alleged to have charged more interest and during August 2020, the petitioners had visited the shop of the defacto complainant along with henchmen and demanded Rs.20,00,000/- and the same was refused by the defacto complainant. Due to which, the petitioners abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.



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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. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed loan for several times from the first petitioner and the same was also repaid. However, the first petitioner charged more interest and demanded Rs.20,00,000/- from the defacto complainant by entering into the shop of the defacto complainant along with his henchmen and threatened him with dire consequences. 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.



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6. Accordingly, 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 XVIII Metropolitan Magistrate Court, Saidapet, Chennai-600 015, 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 four 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.

20.07.2022

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