



Crl.O.P.No.17194 of 2022

WEB COPY

Crl.O.P.No.17194 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 116 of IPC in Crime No. 353 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.50,000/- from the petitioners by mortgaging his land to an extent of 6.3/4 cents and deposited his original title deed to the petitioners. On 11.07.2022, when the defacto complainant approached the petitioners to return the original documents, by receiving the balance loan amount, thereby, the petitioners demanding huge amount as interest. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any such offence as alleged by the



CrI.O.P.No.17194 of 2022

WEB COPY

prosecution and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are ready to return the original title deed and pronotes which were received while the loan was availed by defacto complainant . Therefore, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed a sum of Rs.50,000/- from the petitioners by mortgaging his land to an extent of 6.3/4 cents and deposited his original title deed to the petitioners. On 11.07.2022, when the defacto complainant approached the petitioners to return the original documents, by receiving the balance loan amount, thereby, the petitioners demanding huge amount as interest. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact



Crl.O.P.No.17194 of 2022

WEB COPY

that the petitioners are ready to return the original title deed and pronotes which were received while the loan was availed by defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners shall return the original title deed and pronotes which were received while the loan was availed by defacto complainant 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, Omalur*** on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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:



CrI.O.P.No.17194 of 2022

WEB COPY

[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 return the original title deed and pronotes which were received while the loan was availed by defacto complainant.

[c] 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.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 are released on bail by the learned Magistrate/Trial



Crl.O.P.No.17194 of 2022

WEB COURT Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

22.07.2022

VV



WEB COPY



Crl.O.P.No.17194 of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.O.P.No.17194 of 2022

22.07.2022