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Crl.OP.No.17427 of 2022

Crl.O.P.No.17427 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners/A2 & A3 who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 294(b), 506(ii) and 420 of IPC r/w Section 4 of the Prohibition of Charging Exorbitant Interest Act 2003** in Crime No.149 of 2022, seek anticipatory bail.

2. The case of the prosecution is that, the *de-facto* complainant borrowed a sum of Rs.62,00,000/- from the A1's father. Thereafter, the *de-facto* complainant paid a sum of Rs.25,25,429/- to the A1. However, on 06.06.2022, accused persons entered the *de-facto* complainant's house and demanded a sum of Rs.62,50,000/-. Hence, the case.

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



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bail to the petitioners.

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4. The learned Additional Public Prosecutor would submit that *de-facto* complainant borrowed a sum of Rs.62,00,000/- from the A1's father. For which, the *de-facto* complainant had repaid a sum of Rs.25,00,000/-. For the balance of Rs.37,00,000/- the *de-facto* complainant has executed sale deed in favour of A3 and also sold his land to A3. Hence, he vehemently opposed grant of anticipatory bail to the petitioner.

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

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 **learned Judicial Magistrate No.I, Ulundhurpet, Kallakurichi** –



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District, on condition that the each of the petitioners shall execute a separate 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.

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



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[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.

26.07.2022

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