



Crl.O.P.No. 18566 of 2022

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WEB CO **G.K.I LANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No. 12 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed loan from the petitioners and the same was repaid with interest. Subsequently, the petitioners are demanding huge interest. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the defacto complainant approached the petitioners and requested to pay the loan amount. At his request, the 1st petitioner transferred a sum of Rs.10,00,000/- to the defacto complainant through RTGS and the 2nd petitioner transferred a sum of Rs.10,50,000/- through RTGS to Defacto complainant's son account. The rate of interest was fixed at 18% per annum and towards the same the defacto complainant has executed a promissory note. Thereafter, the defacto complainant failed to pay the amount. Hence, the 1st petitioner filed a suit for recovery of money in O.S.No.144 of 2020, which is pending on the file of the Principal District



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Judge, Namakkal and also filed another suit in O.S.No.11 of 2022 on the file of the District Munsif Court, Tiruchengode. The defacto complainant arrived at a settlement with the 2nd petitioner and issued a cheque for a sum of Rs.13,40,000/-. When the said cheque was presented for collection, it was returned as 'insufficient fund'. Therefore, the 2nd petitioner issued a legal notice. Since, the defacto complainant was not ready to repay the amount, the 2nd petitioner filed S.T.C.No.339 of 2021 before the learned Judicial Magistrate, Fast Track Court, Tiruchengode and also filed I.P.No.12 of 2022 on the file of the Subordinate Judge, Tiruchengode. Pending suit, the defacto complainant lodged a complaint for charging exorbitant interest as against the petitioners. Therefore, he prays for grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant borrowed loan from the petitioners and the same was repaid with interest. Subsequently, the petitioners are demanding huge interest from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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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 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 is made ready, before the learned Judicial Magistrate, Tiruchengode, on condition that the petitioners shall execute a separate bond 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:

[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.



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[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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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