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Crl.O.P.No.19443 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends 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 r/w Sections 448 and 506 (i) of IPC in Crime No.118 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 petitioner's husband finance company at the rate of 3% per month. Thereafter, the petitioner demanded more interest from the defacto complainant. Later, the defacto complainant mortgaged his house property to execute a mortgage deed in favour of the petitioner's husband. Subsequently, the petitioner along with other accused entered into the house of the defacto complainant and made criminal intimidation to transfer his house property in favour of his husband and threatened him with dire consequences. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the this Court granted anticipatory bail to the co-accused vide order dated 20.07.2022 in Crl.OP.No.16868 of 2022. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant borrowed a sum of Rs.50,000/- from the petitioner's husband finance company at the rate of 3% per month. Thereafter, the petitioner demanded more interest from the defacto complainant. Later, the defacto complainant mortgaged his house property to execute a mortgage deed in favour of the petitioner's husband. Subsequently, the petitioner along with other accused entered into the house of the defacto complainant and made criminal intimidation to transfer his house property in favour of his husband and threatened him with dire consequences. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and



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also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-I, Attur*** on condition that the petitioner 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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Vv

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