



Crl.O.P.No.19634 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.143 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant borrowed a sum of Rs.2 lakhs from the petitioner in the year 2011, for which the defacto complainant paid a sum of Rs.12,000/- interest per month. Thereafter, the defacto complainant could not able to repay the said principal amount thereby, the defacto complainant's wife sold the property to the petitioner by executing sale deed in the year 2014. Further, the complainant requested the petitioner to return the cheque, promissory note, which was handed over at the time of receiving the loan amount. Thereafter, the petitioner demanded Rs.4 lakhs from the defacto complainant and threatened the defacto complainant and also received two cheques from him. Hence the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence. He would further submit that the petitioner is an innocent and he is falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the defacto complainant borrowed money from the petitioner and subsequently he paid the said amount. Thereafter, the petitioner demanded exorbitant interest from the defacto complainant and threatened him. However, he vehemently opposed to grant 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 petitioner on condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19, Salem District; SB.A/c No.190601000434; IFSC Code:



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ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and on such deposit the petitioner is ordered to be released on bail.

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 District Munsif cum Judicial Magistrate, Denkanikottai, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19, Salem District; SB.A/c No.190601000434; IFSC Code: ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636001, Ph.No.9445008148

[c] 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.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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.

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