



Crl.O.P.No.20631 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend 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.334 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a business in the name and style of SS Motors Yamaha Sri Senthil Kumar and Co., (Man Power Consultancy) and owner of SSK Motor Private Limited (Suzuki Authorised Dealer). Due to financial crisis, the defacto complainant approached A3. He in turn introduced A1 to the defacto complainant and the defacto complainant borrowed a sum of Rs.1,70,00,000/- as loan from A1 by entrusting his original land document of Madam Street, Kancheepuram and also signed green papers. Thereafter, A1 insisted the defacto complainant to pay the said loan amount immediately. Therefore, the defacto complainant registered his land and building of SS Motors situated at Pulipakkam in favour of A1. A1 also



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assured that if the loan amount is repaid, he will return the land to the defacto complainant. Thereafter, the defacto complainant paid the loan amount with interest. But, A1 refused to return the land and building of the defacto complainant. Hence, the complaint.

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 bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally 3 accused in which the petitioners are arrayed as A1 and A2. The defacto complainant borrowed a sum of Rs.1,70,00,000/- by entrusting his original land document of Madam Street, Kancheepuram and also signed green papers. The defacto complainant also paid the amount with interest. Thereafter, the petitioners refused to return the land which belongs to 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 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.II, Chengalpattu, on condition that each of the petitioners 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 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.

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[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.

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

29.08.2022

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