



Crl.O.P.Nos.22104 & 22400 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 & 34 of IPC and Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.169 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P.No.22400 of 2022 is arrayed as A1 and the petitioner in Crl.O.P.No.22104 of 2022 is arrayed as A2 and A1 is the father of A2. It is alleged that, on various dates, the defacto complainant had obtained loans for a sum of Rs.2.43 crores from A1 and to secure the said loans, the defacto complainant has handed over blank promissory notes and blank signed cheques to A1. For the loans, A1 has collected exorbitant interest from the defacto complainant. Even after receiving exorbitant interest, A1 has demanded the defacto complainant to execute sale agreements and the same has also been executed without receiving sale consideration from A1. Hence, the complaint.



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3.The learned counsel appearing for the petitioners would submit that A1 is a registered money lender and he is engaged in the business for the past three decades. He would also submit that the defacto complainant has given a cheque for a sum of Rs.5,00,00,000/- (Rupees Five Crores only) towards repayment of the debt and the same has been returned dishonoured. For which, A1 has initiated proceedings under Section 138 of Negotiable Instruments Act, 1881 as against the defacto complainant in C.C.No.3356 of 2019 and the same is pending on the file of the learned Fast Track I, Metropolitan Magistrate at Allikulam, Egmore. Further, he would submit that criminal colour has been given to civil dispute. He would further submit that case against A1 itself has been quashed by this Court in Crl.O.P.No.6118 of 2017 on 01.02.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the money has been advance on the basis of Negotiable Instruments Act. Even,



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the defacto complainant himself admitted before the Income Tax Authorities that he has to pay a sum of Rs.95,00,000/-. But, as per the provisions of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, the defacto complainant is liable to pay less than the sum of Rs.95,00,000/-. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would submit that A1 is a professional money lender for exorbitant interest. For the business necessity, the defacto complainant has borrowed loan, for which, as a security for loan transaction, on the direction of A1, he transferred the property in the name of his daughter/A2 and A1 has manipulated and fabricated the documents, which was given to him for security. He would also submit that the defacto complainant has paid an exorbitant interest of Rs.10,00,00,000/- (Rupees Ten Crores only) and the accused are habitual offenders and A1 has mis-used the documents given by the defacto complainant for his unlawful means.



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6.Heard the learned counsel for the parties and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case and also considering the gravity of the offence committed by the petitioners and the fact that a huge amount has been involved in these matters, this Court is not inclined to grant anticipatory bail to the petitioners.

8.Accordingly, these Criminal Original Petitions are dismissed.

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