



Crl.O.P.No.23721 of 2022

Crl.O.P.No.23721 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.470 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner had lend money of Rs.1,00,000/- to the de facto complainant and even after the de facto complainant repaid the entire amount, the petitioner had demanded exorbitant interest from the de facto complainant and assaulted him. Hence the complaint.

3. The learned counsel for the petitioner submits that a simple money dispute has been projected as a case of demand of exorbitant interest. He further submitted that the fact remains that the de facto complainant has to repay Rs.30,000/- to the petitioner. The learned counsel for the petitioner submitted that the petitioner has filed an



Crl.O.P.No.23721 of 2022

affidavit of undertaking before this Court not to harass and threaten the de facto complainant, he also undertakes that he will recover the money through legal source only.

4. The learned Government Advocate (Criminal side) would submit that the de facto complainant received Rs.1,00,000/- from the petitioner. After the entire amount was repaid to the petitioner, he had demanded exorbitant interest from the de facto complainant and assaulted her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submission on both sides and on perusal of records, I am inclined to grant Anticipatory Bail with certain conditions.

7. 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



Crl.O.P.No.23721 of 2022

Judicial Magistrate No.2, Poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 everyday at 10.30 a.m. until further orders.

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

[d] the petitioner shall not abscond either during investigation or trial.



WEB COPY



Crl.O.P.No.23721 of 2022

A.D.JAGADISH CHANDIRA, J.

nsa/arb

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

20.10.2022

nsa/arb

Crl.O.P.No.23721 of 2022