



Crl.O.P.No.23981 of 2022

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A.D.JAGADISH CHANDIRA, 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.224 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Surya is that he had approached and borrowed a sum of Rs.1,00,000/- from the first petitioner and a sum of Rs.2,50,000/- from the 2nd petitioner who is the mother of the 1st petitioner. Further, the petitioners had charged an exorbitant interest on the loan amount borrowed by him and since he did not repay the loan, the petitioners had entered into the factory premises of the defacto complainant, abused him and his employees in filthy language and also threatened them. Hence the complaint.

3.The learned counsel for the petitioners would submit that the



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defacto complainant had borrowed a sum of Rs.1,00,000/- and Rs.2,50,000/- respectively from the petitioners and the defacto complainant has not repaid the amount and as a pre-emptive measure, given a false complaint as if the petitioners demanded exorbitant interest. He would further submit that they are not the money lenders and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners are usurious money lenders and they had paid an amount of Rs.1,00,000/- and Rs.2,50,000/- respectively as loan to the defacto complainant and thereafter, charged an exorbitant interest. He would further submit that when the defacto complainant has refused to pay exorbitant interest, the petitioners have abused him and his employees in filthy language and also assaulted them. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel and perused the entire materials available on record including the First Information Report.



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6.Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Paramathy on condition that each of the petitioners shall execute separate 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 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



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ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC;

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