



Crl.O.P.No.24892 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 Sections 3 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2005 and 506(i) of IPC in Crime No.413 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sivakumar is that he had borrowed an amount of Rs.5 lakhs and he had repaid an amount of Rs.2 lakhs each for five months totalling into Rs.10 lakhs. He had executed certain documents whereas the accused have charged an exorbitant interest and threatened the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant had borrowed an amount of Rs.23 lakhs from the petitioner's family and he had borrowed an amount of Rs.10 lakhs each from the petitioners 1 to 3. He has not repaid the amount and as a pre-



Crl.O.P.No.24892 of 2022

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emptive measure, given a false complaint as if the petitioners demanded exorbitant interest. He would further submit that first petitioner on behalf of himself and the petitioners 2 and 3 has filed an affidavit of undertaking that there is no dues. He would submit that the petitioners undertake that they will not illegally threaten the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are usurious money lenders and they have paid an amount of Rs.5 lakhs as loan to the defacto complainant and thereafter, collected more than Rs.10 lakhs and still continues to threaten the defacto complainant. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

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



Crl.O.P.No.24892 of 2022

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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, Tambaram, Chennai, on condition that the petitioners shall execute separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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.

[b] the first petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders; the petitioners 2 and 3 shall report before the respondent Police daily at 10.30 a.m., for a



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Crl.O.P.No.24892 of 2022

period of one week 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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Crl.O.P.No.24892 of 2022

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.24892 of 2022

18.10.2022