



Crl.O.P.No.25705 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 294(b), 323 and 506(i) of IPC read with Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.185 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that she along with her family members borrowed amount of Rs.1,50,000/- from the first petitioner and at that time, they have executed blank bond papers. Further, the allegation is that the accused had demanded exorbitant interest from the de facto complainant. Hence the complaint.

3. The learned counsel for the petitioners submits that the petitioner and de facto complainant are relatives and they are engaged in brick manufacturing business. The petitioners had given loan to the de facto complainant's family and they have not repaid the principal amount as well



Crl.O.P.No.25705 of 2022

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as the interest. The petitioners have send legal notice to the de facto complainant and her husband on 21.04.2022 claiming amount and they have not replied to the notice, whereas, filed a false complaint. Hence, he seeks anticipatory bail for the petitioners.

4. Per contra, the learned Government Advocate (Criminal side) submits that first petitioner lend money to the de facto complainant and they have demanded exorbitant interest and also assaulted the de facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Taking note of the relationship between the parties and also legal notice dated 21.04.2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Crl.O.P.No.25705 of 2022

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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, Omalur, on condition that the each of 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 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter 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



CrI.O.P.No.25705 of 2022

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.

20.10.2022

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Crl.O.P.No.25705 of 2022

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Crl.O.P.No.25705 of 2022

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