

Crl.O.P.No.29053 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Cr.No.240 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a loan for a sum of Rs.1,00,000/- from the petitioner by giving a blank cheque for security purpose. Thereafter, the defacto complainant settled the loan amount to the petitioner but without returning the said cheque, the petitioner demanded for more money from the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submits that he is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner's organization presented the cheque issued by the defacto complainant. However, the same was returned as insufficient balance. Subsequently, the petitioner's organization issued legal



notice dated 03.11.2022 under Section 138 of Negotiable Instruments Act against the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the defacto complainant borrowed a loan for a sum of Rs.1,00,000/- from the petitioner by giving a blank cheque for security purpose. Thereafter, the defacto complainant settled the loan amount to the petitioner but without returning the said cheque, the petitioner demanded for more money from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that there is a dispute between the parties with regard to return of cheque and that proceedings had also been initiated by the petitioner under Section 138 of N.I Act, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen



days from the date of receipt of a copy of this order, before the learned **District Munsif Cum Judicial Magistrate, Gudalur** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 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 Court concerned 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 as and when required for interrogation;

(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;

(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 anticipatory 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]*; and;

T.V.THAMILSELVI, J.

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.12.2022*anu*Crl.O.P.No.29053 of 2022