

Crl.O.P.No.123 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 4 of Tamilnadu Prohibition of Exorbitant Charging Interest Act in Cr.No.235 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on January 2017, the defacto complainant has borrowed a sum of Rs.1,00,000/- from the petitioners herein for 4% monthly interest and she executed mortgage deed in favour of A1. Thereafter, she repaid entire amount without any default. Her daughter is working as house maid in the petitioner's home and had been doing all the works. While so, in the year 2019, after settling the entire dues, when the defacto complainant has requested to cancel the mortgage deed and asked to return the original documents, the petitioners herein refused to give the documents and demanded more money from the defacto complainant and subsequently, threatened her with dire consequences. Hence, the



complaint.

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3.The learned counsel appearing for the petitioners would submit that the defacto complainant borrowed a sum of Rs. 1,00,000/- from the petitioners and executed a mortgage deed and no amount was paid He also further submit that the petitioners have also filed a civil suit for recovery of money before the Sub Court, Ponneri in SR.No.1567 of 2022 and the same is yet to be numbered and a petition under Section 149 CPC is also pending. He further submit that the petitioners are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the defacto complainant had taken loan of Rs.96,000/- and her daughter was also working as a housemaid under the accused. He further submit that, further, the said amount had not repaid and the defacto complainant refused to part with the original documents. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Considering the fact that the defacto complainant had borrowed a



loan by the executing a mortgage deed and that the petitioners filed a suit against the defacto complainant, though it is yet to be taken on file due to non payment of the deficit Court fee, it is clear that, there is some dispute regarding money transaction, which is pending. Both are senior citizens. Considering all these, this Court is inclined to grant anticipatory bail to the petitioners.

6. Taking into consideration the facts and the submissions and that the petitioners are ready and willing to deposit some amount to the credit of Cr.No.235 of 2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.235 of 2022 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate, Madhavaram**, on condition that the



petitioners 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, 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 deposit totally a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of crime No.235 of 2022 within a period of three weeks** from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either



during investigation or trial.

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[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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