

CrI.O.P.No.287 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 294(b) and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Cr.No.497 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Sweeper and earning a sum of Rs.25,000/- per month and she had borrowed a sum of Rs.63,000/- from the petitioner herein for interest and was paying interest regularly and on 20.10.2022 she had paid a default interest amount of Rs.30,000/- to the petitioner and again on 19.12.2022 she had paid another sum of Rs.20,000/- to the petitioner due to which the petitioner abused the defacto complainant with filthy language and asked her to pay the principal amount immediately and also sent one Karthick to her house to get the principal amount due to which the defacto complainant consumed poison and she was taken to hospital and admitted. Hence, the



case.

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3.The learned counsel appearing for the petitioner would submit that the defacto complainant borrowed a sum of Rs. 87,000/- from the petitioner herein for her family expenses and thereafter, she did not repaid the amount. The petitioner demanded to settle the entire due amount, due to which the defacto complainant lodged a complaint against petitioner. He also further submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submit that it is a case in counter. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the defacto complianant borrowed a sum of Rs.63,000/- from the petitioner for interest and she has repaid some interest. Even though, on 19.12.2022 the defacto complainant had paid another sum of Rs.20,000/- to the petitioner, the petitioner has been demanding the principal amount is exorbitant interest. Hence, he opposed to grant of anticipatory bail to the petitioner.



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5. Taking into consideration the facts and the submissions that the petitioner is ready and willing to deposit some amount to the credit of Cr.No.497 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.40,000/- (Rupees Forty Thousand Only) to the credit of crime No.497 of 2022 within a period of two weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate No.I, Attur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **with two sureties out of which one surety will be blood related surety** 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 petitioner 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 petitioner shall deposit a sum of **Rs.40,000/- (Rupees Forty Thousand Only) to the credit of crime No.497 of 2022 within a period of two 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 petitioner shall appear before the respondent police on every Saturday at 10.30 a.m for a period of twelve weeks and thereafter, as and when required for interrogation.**

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner 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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