



Crl.O.P.No.750 of 2023

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T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and 379 of Indian Penal Code 1860 in Crime No.4 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.44 lacks from the petitioner and other accused and repaid a total sum of Rs.57.75 lacks to the petitioner. It is alleged that first accused by issuing a legal notice demanding a sum of Rs.49 lacks and the second accused is demanding a sum of Rs.12 lacks from the defacto complainant and took the possession of the defacto complainant's machineries and threatening him that they have sold the machineries as scrap materials. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the



alleged offence. He would further submit that the defacto complainant is the highly influential person having direct connection with the politicians and can spoil the petitioner's life if he uses his influence against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent Police would submit that the defacto complainant borrowed a sum of Rs.44 lacks from the petitioner and other accused and repaid a total sum of Rs.57.75 lacks to the petitioner. It is alleged that first accused by issuing a legal notice demanding a sum of Rs.49 lacks and the second accused is demanding a sum of Rs.12 lacks from the defacto complainant and took the possession of the defacto complainant's machineries and threatening him that they have sold the machineries as scrap materials.

5. The learned counsel for the Intervenor raised strong objection by stating that if the petitioner is granted anticipatory bail then the defacto complainant will be facing lot of hardships. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner, but with regard to money transaction, dispute pending between parties.



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6.Considering the facts and circumstances of the case and the submissions made by the learned counsel, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.4 of 2023** to show his bonafide and on such receipt and receipt of proof of payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned ***Judicial Magistrate-II, Coimbatore***, 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 must be a 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.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.4 of 2023, before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall disburse the amount to the defacto complainant, who shall utilize the said amount.

(c) the petitioner shall report before the respondent police station on alternative days at 10.30 a.m., for a period of two months and thereafter as and when required.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action



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against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***; and;

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

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