



CrI.O.P.No.2587 of 2023

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Cr.No.33 of 2017 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is alleged to have borrowed a sum of Rs.2 Crores and even after discharging the entire liability, the petitioners and other accused persons are threatening the de-facto complainant by demanding exorbitant interest and have also refused to return the negotiable instruments and connected papers given by the de-facto complainant and threatened him with dire consequences. Hence, this complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are



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ready to abide by any stringent condition that may be imposed by this Court.

Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) submitted that as per the investigation and also as per the legal opinion obtained from the Legal Advisor to Commissioner of Police, Tiruppur City, the de-facto complainant borrowed a sum of about Rs.2 Crores and has settled only a sum of Rs.1,01,75,000/- and no evidence has been submitted by the de-facto complainant to prove that he has discharged the entire liability. He further submitted that, in view of the legal opinion of the Legal Advisor, since the issue involved in the present case is purely Civil in nature, the case was referred as Further Action Dropped.

5. Heard learned counsel on either side and perused the materials available on record.

6. On perusal of the legal opinion of the Legal Advisor to Commissioner of Police, Tiruppur reveals that, the de-facto complainant had



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settled only a sum of Rs.1,01,75,000/- and no material is available to show that the de-facto complainant has settled the entire amount. However, the said legal opinion does not reveal how much amount the de-facto complaint is bound to pay to the petitioners and the exorbitant interest alleged to have been demanded by the petitioners and other accused persons, without which, the investigation agency has arrived at a conclusion that the issue is purely civil in nature. Further, on perusal of the entire avertments, it is evident that, the de-facto complainant gave a complaint against the petitioners in the year 2017 by getting necessary orders from this Court in Crl.O.P.No.21665 of 2017, however, all these the investigation agency have not taken any steps to verify whether the petitioners have demanded exorbitant interest, instead, they are closing the FIR as if the issue involved in this case is Civil in nature, which is not sustainable. Further, the legal opinion relied upon by the learned Government Advocate (Crl.Side) does not reveal any reason except that, the issue involved in the present case is civil in the nature, hence, it lacks particulars and the same cannot be taken into account. **Hence, the investigation agency is directed to conduct further investigation with regard to the allegations made in the FIR.**



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7. Further, considering the fact that the petitioners herein are arrayed as Accused A4 & A6 and though they are also the partners in the financial transactions that took place in between the de-facto complainant and other accused persons, in view of the fact that they have not demanded exorbitant interest, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Tiruppur State**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, with two sureties (one must be blood surety) 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for a period of four months;

(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 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]***; and;

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

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