



CRL.O.P.No.8631 of 2023

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WEB COUNCIL **S.SOUNTHAR, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.58 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the Kannan, husband of the de facto complainant, borrowed a sum of Rs.40,000/- at 3% interest from the first petitioner and regularly paying the monthly interest; while that being so, suddenly, the petitioners are said to have demanded an exorbitant interest at the rate of 10% per month from Kannan; due to the threat given by the petitioners, the said Kannan is said to have consumed pesticide and hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the first petitioner has lent a sum of Rs.40,000/- as hand loan to one Kannan, husband of the de facto complainant; when the first petitioner asked for repayment of the money, the said Kannan, in order to escape from the debt, has lodged the false complaint against the petitioner. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners have given threat to Kannan, husband of the de facto complainant, in order to get the money back, which resulted in Kannan consuming pesticide. Therefore, he strongly objected for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail on condition that in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Salem**, 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 conditions that:



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[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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police, as and when required for interrogation.

[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]*.

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

05.05.2023

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