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Crl.O.P.No.9287 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 506(1) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.106 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant, Mrs.P.Anitha, W/o. of Mr. Prabhakaran, has lodged a complaint against the petitioner for collecting exorbitant interest from her. The de-facto complainant is a retail fish trader in Velipalayam and the petitioner's husband has also dealt with the fish trading and the de-facto complainant is used to get fish products and money on a credit basis from the petitioner's husband for her business development. The de-facto complainant alleged that the petitioner had demanded an exorbitant rate of interest, though she



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paid beyond the principal amount. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner had never indulged in collecting the exorbitant rate of interest. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to the collection of the exorbitant interest, the de-facto complainant lodged the complaint against the petitioner. Further, the allegation levelled against the petitioner is that she threatened and forcibly obtained the signature of the de-facto complainant on blank paper. Therefore, he opposed for grant of anticipatory bail to the petitioner.



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5. Heard both sides and perused the materials available on record.

6. Having regard to the allegations made against the petitioner and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **learned Judicial Magistrate, Nagapattinam**, on condition that the petitioner shall execute separate bonds 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



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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 shall obtain a copy of her Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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.



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State of Kerala [(2005)AIR SCW 5560].

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

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