



Crl.O.P.No.22784 of 2023

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**C.V.KARTHIKEYAN, J.**

The petitioners herein seek anticipatory bail in Crime No.196 of 2022 registered by the respondent Police for the offences under Sections 341, 454, 380, 506(1) IPC and Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003 @ 341, 448, 506(1) and Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003.

2. The learned counsel for the petitioners stated that the petitioners are innocent persons and they have been falsely implicated in Crime No.196 of 2022 registered by the respondent Police for the offence under Section 341, 448, 506(1) and Section 4 of TN Prohibition of Charging Exorbitant Interest Act, 2003. Thus, he seeks anticipatory bail to the petitioners.

3. It is stated by the learned Government Advocate (Crl.Side) that the First Information Report was registered on 19.03.2022. It is stated that the defacto complainant had borrowed money from the petitioners and had executed Mortgage Deed with respect to her house. There was a delay in repayment. The petitioners herein are said to have threatened the defacto



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complainant and had also taken forceful possession. It is stated that the Principal District and Sessions Judge, Tirupur had originally granted relief for the petitioners herein. But after that, the petitioners had attempted to trespass into the property of the defacto complainant. It is stated that however the defacto complainant is in possession. A suit had also been filed by the petitioners herein seeking recovery of money. It is now pending before the learned II Additional District Judge, Tiruppur in O.S.No.243 of 2022.

4. If there is any complaint regarding either dispossession or threat of dispossession, the parties may approach the concerned Court seeking necessary relief. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 on which the order copy made ready, before the **learned Judicial Magistrate, Avinashi**, on condition that the petitioners shall execute a separate



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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 condition that:

[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 Aadhar card or Bank pass Book to ensure their identity.

**[b] (i) the 1st and 3rd petitioners shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required for interrogation.**

**(ii) the 3rd petitioner 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



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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;

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