



Crl.O.P.No.23960 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 294(b), 385, 506(i) of IPC and Sec.4 of TamilNadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.321 of 2023, seeks anticipatory bail.

2.The matter had come up for consideration on 18.10.2023, on which date, this Court had observed as follows:

2.The petitioner is a Physics Professor in Annamalai University. He had a hobby of advancing money to the non-teaching staffs of the Annamalai University. A complaint has been lodged by the Defacto-complainant stating that the defacto-complainant had borrowed a sum of Rs.15,00,000/- from the petitioner and the defacto-complainant had repaid a sum of Rs.10,00,000/- to the petitioner. But still threat was held out by the petitioner to pay further interest and to return the money. It is also seen that, like a professional money lender, this petitioner had also obtained blank signed cheques and promissory notes. As a matter of fact, this



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petitioner, using one of the cheque which was submitted at the time of borrowing money by the defacto-complainant, had lodged a complaint under Section 138 of Negotiable Instrument Act.

3. It is contended by the learned counsel for the petitioner that, as a counter blast the present complaint was lodged by the defacto complainant, leading to the registration of FIR in Crime No.321/2023 by the respondent under sections 294(b), 385,506(i) of IPC and Sec.4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003.

3.The petitioner has now filed his undertaking affidavit, wherein, he has stated that the defacto complainant was also working as a Data Entry Operator in Annamalai University and is a neighbour of the petitioner and the petitioner helped the defacto complainant by providing finance for the treatment of the son of the defacto complainant. It is also stated that in the affidavit that the petitioner herein had not demanded interest or exorbitant interest. The relevant portion of the affidavit is as follows.

5. I submit that I have not indulged any offence as alleged by the defacto complainant and there is no truth in the de-facto complainant's case.



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I never demand the de-facto complainant for interest or exorbitant interest. I have helped the de-facto complainant for his son's medical treatment on the humanitarian aspect. I have never demanded any interest from any person and I am not doing any money lending business and also, I am herewith undertaking that I will not to any money lending business in future.

4.In view of all these facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, 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 No.II, Chidambaram**, on condition that the petitioner 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 condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the



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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 report before the respondent Police every Saturday at 10.00 a.m., for a period of two weeks and thereafter as and when required.

[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 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]**;

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

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