



Crl.O.P.No.29052 of 2023

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P.DHANABAL, J.

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of IPC read with Section 4 of Tamil Nadu Exorbitant Interest Act and Section 4 of Tamil Nadu Women Harassment Act in Crime No.557 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the *de-facto* complainant had borrowed money from the petitioners herein on various occasions for interest. As she there was a delay in repayment, the 1st petitioner went to the house of the *de-facto* complainant, abused and threatened her with dire consequences. Hence, the house owner of the *de-facto* complainant asked her to vacate the house. Therefore, on 08.12.2023, at about 5.30 a.m., when the *de-facto* complainant was vacating her house, the petitioners came there and threatened her to vacate the house after paying the loan amount. The 2nd petitioner had also received a sum of Rs.17,000/- and a cheque from the *de-facto* complainant's daughter. Hence the case.



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3.The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. Hence, he seeks anticipatory bail for the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the petitioners herein are moneylenders and they had lend money to the *de-facto* complainant on interest. The petitioners had abused and threatened the *de-facto* complainant as she had failed to repay the loan amount along with interest on time. Hence, he objected to grant anticipatory bail to the petitioner.

5. Mr.K.Sivakumar, learned counsel represented that he is going to file an intervening petition in this case. His request is rejected since he has not filed any application so far.

6.Heard the parties and perused the materials available on record.

7.Considering the fact that it is a money dispute between the parties and considering the nature of offences charged against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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8. Accordingly, 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-II, Tiruvallur** on condition that the petitioners shall execute a separate 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] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.



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[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.

28.12.2023

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