



Crl.O.P.No.1901 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.33 of 2024 registered by the respondent Police for the offences punishable under Sections 3 & 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

2. It is the case of the prosecution that the defacto complainant had borrowed a sum of Rs.1 lakh as hand loan, but had actually received a sum of Rs.78,000/-. It is stated that the defacto complainant had repaid a sum of Rs.3.22 lakhs. Still there was a demand for repayment which led to lodging of complaint and registration of FIR. An affidavit has been filed by the petitioner herein wherein he had stated finally as follows:

"I hereby give an undertaking before this Hon'ble Court that I will not claim any amount in any manner from the defacto complainant for the loans borrowed by him."

3. The same affidavit in original must also be filed by the petitioner herein at the time of execution of sureties before Judicial Magistrate No.II, Coimbatore to retain the Court records.



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4. Taking all those factors into consideration, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.



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[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 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.

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