



Crl.OP.No.2751 of 2024

Crl.O.P.No.2751 of 2024

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

The petitioner/A1 in Crime No.3 of 2024 registered by the respondent police for the offences punishable under Sections 354A,294(b) 506(ii) of IPC r/w Section 4 of TN Prohibition of Women Harassment Act r/w Section 4 of TN Prohibition of Charging Ex-orbitant Interest Act, 2003 seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant had stated that though the husband had repaid substantial amount on borrowal of Rs.50,000/- in the year 2019, still, the accused had threatened her and her husband necessitating lodging of complaint and registration of an FIR.

3. Learned counsel for the petitioner had filed an affidavit on behalf of the petitioner in which the petitioner has stated as follows:



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*" 4. I further submit that I have moved an anticipatory bail application in Crl.OP.No.2751 of 2024 and at that time this Hon'ble Court has directed me to file an affidavit of undertaking that I should not insist for the loan amount a sum of Rs.50,000/- as alleged in the complaint. I am ready to obey the orders of the Court but the real fact is that the defacto complainant has borrowed a sum of Rs.1,00,000/- on 23.07.2022 taking advantage of the gender the present compliant has been foisted against me. The real true fact is the defacto complainant has not even re-paid a single pie till date when demanded back the amount the present FIR came to be registered.*

*6. I submit that I will not demand a sum of Rs.50,000/- from the defacto complainant".*

4. Taking the affidavit on record, let me put a quietus so far as the issues between the petitioner and the defacto complainant and concerned.



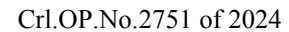
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5. The learned counsel for the petitioner however also forwarded the new Pawn Brokers License in the name of the petitioner issued by the Tahsildhar, Chidambaram on 10.04.2023 and therefore stated that the petitioner is running a lawful business. So long as confirms to the guidelines for issuance of such licence, the petitioner can always continue to do lawful business. Learned counsel also pointed out an undertaken given by the defacto complainant about return of the amount. That document, is subject matter of trial and this Court can never express any opinion of the same.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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*



[d] the petitioner shall not abscond either during investigation or trial.



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[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.

Vv

**19.02.2024**



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**19.02.2024**